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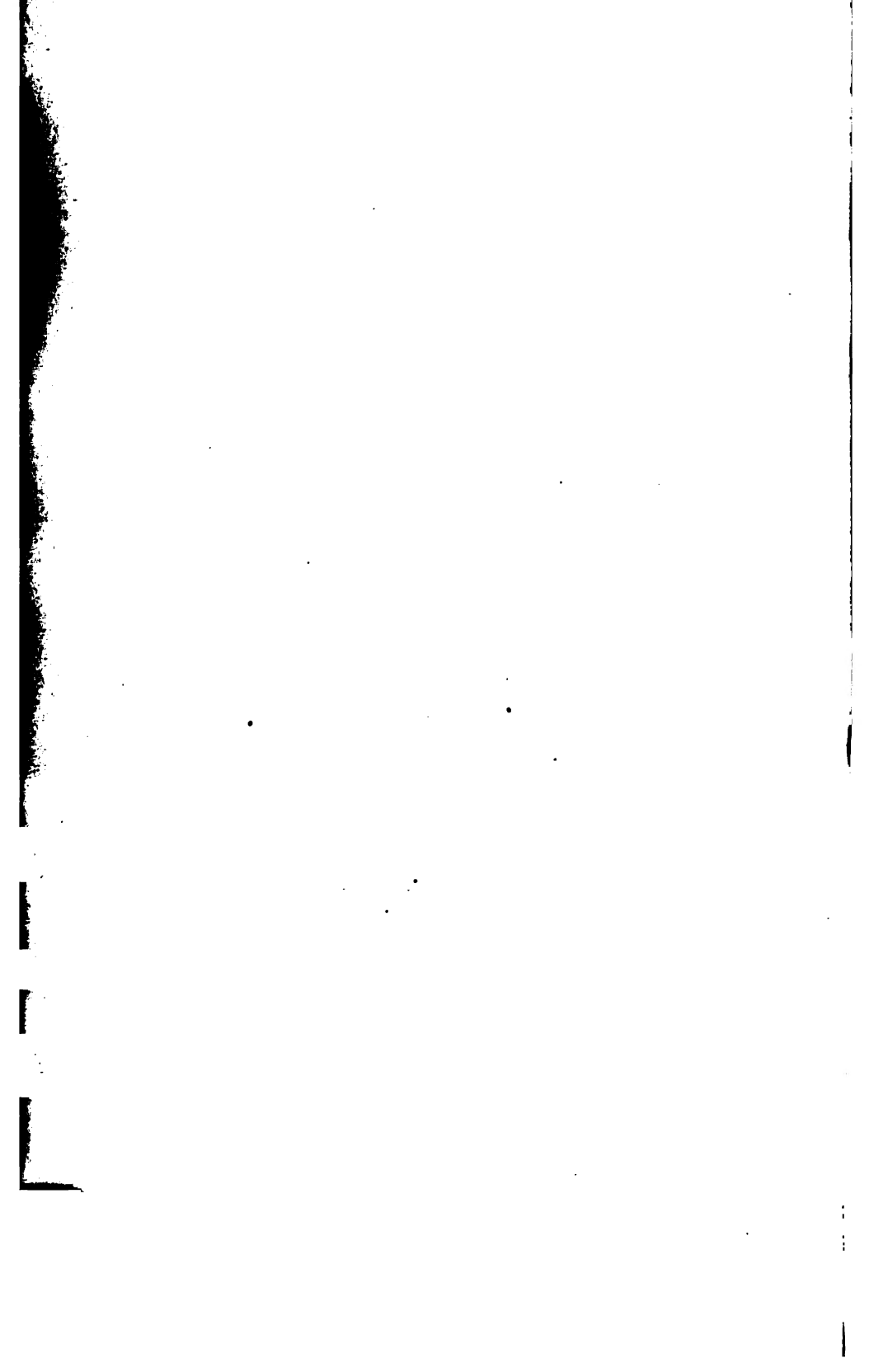
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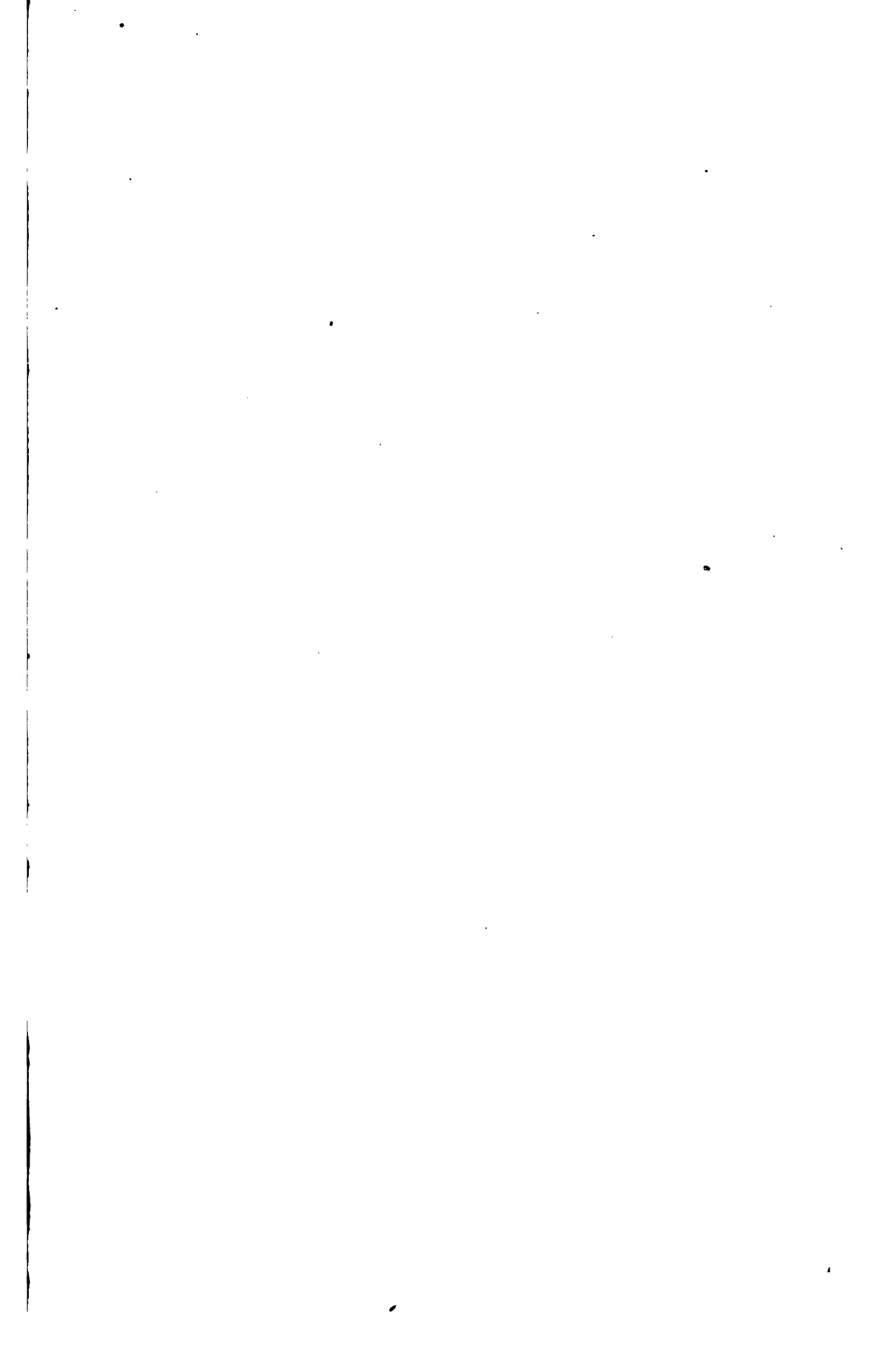
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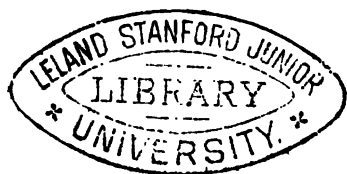
TWELFTH ANNUAL REPORT
OF THE
Board of Railroad Commissioners
OF THE
STATE OF NEW YORK,
FOR THE YEAR 1894,

TRANSMITTED TO THE LEGISLATURE JANUARY, 2, 1895.

COMMISSIONERS:
SAMUEL A. BEARDSLEY, | MICHAEL RICKARD,
ALFRED C. CHAPIN.

VOLUME I.

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STATE OF NEW YORK.

No. 5.

IN SENATE,

JANUARY 2, 1895.

TWELFTH ANNUAL REPORT

OF THE

Board of Railroad Commissioners on the Rail-
roads of the State.

STATE OF NEW YORK:

BOARD OF RAILROAD COMMISSIONERS, }
ALBANY, *January 2, 1895.* }

To the Honorable the Legislature of the State of New York:

Pursuant to the requirements of the Railroad Law, the Board
of Railroad Commissioners submits its twelfth annual report.

CHARLES R. DEFREEST,

Secretary.



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R E P O R T.

STATE OF NEW YORK:

BOARD OF RAILROAD COMMISSIONERS, }
ALBANY, January 2, 1895. }

To the Honorable the Legislature of the State of New York:

Pursuant to the requirements of the Railroad Law, the Board of Railroad Commissioners submits its twelfth annual report.

General Situation.

In discussing the general situation in the report of last year the Board declared the railroads to be struggling for existence. This condition, it was pointed out, was not peculiar to them nor to any class of enterprises, but was common to a great mass of associations, institutions and individuals. The business history of the past twelve months has verified this view beyond the belief of the Board at the time of its publication. During that period, excluding persons receiving salaries, wages or similar forms of remuneration, it is not to be questioned that the vast majority of the citizens of this State, and of the whole Union, has subsisted, consciously or unconsciously, out of capital or of previously accumulated wealth. The income of the people has been curtailed almost beyond precedent. It has been a period of expedients, of hope deferred and of protracted trial. It is not yet possible to see the end. The continuous recurrence of a deficiency in national finances, with no sure promise that the conditions producing it are to be reversed in the near future, is typical of the situation in many quarters of the business field. Unprecedentedly low prices discourage and cripple producers. Unprecedentedly small shipments from

producers discourage and cripple carriers. Manufacturers, traders and middlemen find little or no margin of profit on which to exercise their activities. The pressure of such a season, when too greatly prolonged, deadens the coöperative spirit, without which the mechanism of society ceases to be efficient.

The community thus becomes nervous, impatient, destructive, tending to resolve itself into discordant units rather than to act in harmony and in union. Gusts of passion, vociferous utterances of false doctrine sweep from their moorings thousands of minds which in ordinary days could not thus be controlled or captivated. Hence, in other parts of the Union we have seen the almost portentous rise of a political organization professing a strange and demented creed.

We have witnessed rioting, conflagration and bloodshed in place of order, industry and peace. If the menace to society involved in all that has happened within the past year has not weakened institutions or vested interests, it must be conceded that their inherent strength is most gratifying. The railroads of the country met the assault delivered against them during the past summer by relying upon a specific and admitted relation between themselves and the federal government. Such a relation is of necessity reciprocal. Its assertion on one occasion, to protect, may be balanced in due time by a like assertion for some very different purpose. The best to be hoped is, that thus a practicable and wholesome principle of general policy may be developed where social war was possible.

The most serious symptom of the hour is not the shrinkage of material values, although that has been vast and overwhelming, but rather the ease with which doctrines possessing no merit beyond that of superficial novelty, eat out the heart of intelligent, earnest and patriotic effort.

If we were forced to look upon such conditions as lasting, the rational character would seem in some parts of the Union

to have reached a painfully low plane. Fortunately such a view is not the only nor the best explanation of present history. Philosophy as well as patriotism bids us to regard the experiences of the year as part of the process of growth and revolution by which a great community passes on toward the equilibrium of maturity. Adjustment to changed relations must be the object of present effort. The foundations upon which such adjustment must rest have by no means given way. Neither does the task of conforming to new industrial conditions come at a peculiarly unhappy time. In this respect the history of the panic and depression of 1893 and 1894 is exceptional. There has been no actual physical destruction of wealth. Other panics have often been preceded, and in part caused, by pestilence, famine, conflagration or war. The thirteen years preceding 1893 were years of productiveness and prosperity. They contrast most strikingly with the thirteen years preceding the panic of 1873. For this reason the people do not struggle under any such weight of taxes for debt and interest as oppressed them twenty years ago.

The railroads of this State have suffered from loss of business, but not in as great a degree as those of the West. The perils and violence that assailed many other railroads did not visit this State. It can not, however, be doubted that any form of business disaster, public disorder or popular sentiment which concerns one part of the country must concern all other parts. It is evident, therefore, that the present is not a time to urge special progress in directions involving large outlay. Three questions before the Board call for the expenditure of great amounts of money by the companies. Two of these, the adoption of automatic couplers upon all freight cars and of air-brakes upon all such cars, are well under way. The third, the grade-crossing question, is

not yet embodied in legislation. On all of these questions the general attitude of the companies toward the public and toward the Board in recent years has been one of attention and coöperation rather than of hostility or even of reluctance. At the same time it has been made clear to the members of the Board that the combined burden which may be laid upon the companies in carrying out the several propositions is of such gravity as to entitle them at such a season as the present to extreme consideration. For these reasons such discussion and recommendations as are here submitted upon the grade-crossing question are intended to promote a final and just solution, but not to enforce an immediate or burdensome method of solution.

Summary of Business of the Year.

The annual report of this Board for the year ending June 30, 1893, included in its summary the operations of the entire Philadelphia and Reading system. This corporation has ceased operating any of the railroads of this State, and the report for the year ending June 30, 1894, contains only so much of what was included in last year's report of the Philadelphia and Reading system as relates to the lines of this State that were part of that system. To make the comparison between the aggregates of the two years of any value, it has been necessary, therefore, to eliminate from the summary of the year ending June 30, 1893, that portion of the Philadelphia and Reading report not included in this year's figures. This comparison shows a loss in gross earnings from operation, based upon the corrected figures in 1893, of \$10,399,511.83, or about 5 per cent. The operating expenses have, however, been decreased \$6,035,340.45, leaving a loss in net earnings from operation of \$4,364,171.38, showing that reduced earnings have been more than half provided for by economy in operation. Capital stock shows an increase this year of \$21,746,854.20, and the percentage of dividends declared

remains the same as in 1893, viz., 2.69. The increase in funded and floating debt has been \$36,095,439.60; increase in cost of road and equipment, \$32,012,323.18, and increase in length of road in this State, main line, 99.39 miles.

The decrease in tons of freight carried one mile was 2,442,338,047, and the increase in number of passengers carried one mile was 712,623,522. The average earnings per passenger per mile have decreased 0.27, and the average earnings per ton of freight per mile have increased 0.015.

In making these comparisons with the year ending June 30, 1893, it must be borne in mind, first, that in the early part of that year many railroads in the State increased operating expenses for the purpose of taking care of anticipated increase in business on account of the World's Fair. The increase did not meet expectations, and until this was realized, no effort was made to cut down expenses. Retrenchment, therefore, was not begun until well along in the summer of 1893. The year 1894 is charged, therefore, with a larger expense on account of operation than would otherwise have been borne. The loss in gross earnings from operation this year, amounting to less than 5 per cent. on over \$200,000,000 of business, would seem to indicate that the railroads of the east have not suffered as much from depression in business as those of the west, and that, in fact, they have succeeded in doing a very fair amount of business, considering the condition of the country. and would have made a much better financial showing had their western connections been as prosperous, comparatively, as the roads of the east. Of course, the loss in business, as soon as the various corporations realized the situation, was made up as far as possible by reduction in operating expenses, and the figures show that there were over 6,000 less employes on the pay rolls of the companies operating in this State at the close of the year, on June 30, 1894, than there were at the close of the previous year. The loss, therefore, first fell upon the stockholders; it is now, taking the quarter ending

September 30, 1894, as an example, more than made up by reduction in the number of employes, and reduced operating expenses in other directions.

It is gratifying to be able to state, notwithstanding the peculiar condition in which the railroads found themselves placed as the result of the World's Fair, and the vain expectations regarding the volume of business it would produce, no reductions have been made in the wages of employes of any importance, and no trouble has arisen upon any of the steam roads of the State resulting from this or any other cause arising between the companies and their employes.

The second volume of this report will be found to contain in detail the earnings and expenses of the individual companies, from the aggregates of which these comparisons are made. A brief summary of the business of the years 1893 and 1894 is given in the table following :

| | For year ending June 30, 1893. | For year ending June 30, 1894. |
|---|-----------------------------------|-----------------------------------|
| Gross earnings from operation..... | \$308,856,887 80 | \$197,987,815 47 |
| Operating expenses..... | 143,075,914 66 | 187,040,574 21 |
| Net earnings from operation..... | 65,880,912 64 | 60,916,741 26 |
| Income from other sources than operation..... | 8,086,888 89 | 7,584,185 85 |
| * Interest paid and accrued..... | 31,733,878 77 | 23,370,493 56 |
| Taxes..... | 6,688,181 98 | 7,565,886 77 |
| Miscellaneous..... | 2,351,965 87 | 2,013,988 33 |
| * Dividends declared..... | 19,304,963 29 | 19,793,009 06 |
| Surplus..... | 2,969,657 12 | 3,017,664 09 |
| Capital stock..... | 716,181,888 57 | 737,578,063 77 |
| Funded debt..... | 708,694,109 02 | 733,687,594 76 |
| Other liabilities..... | 79,826,771 97 | 85,418,795 79 |
| Cost of road and equipment..... | 1,879,267,253 27 | 1,411,949,570 45 |
| Percentage of gross income to cost of road and equipment | 05.33 | 04.85 |
| Percentage of net income to capital stock..... | 03.17 | 03.43 |
| Percentage of dividends declared to capital stock..... | 03.69 | 03.69 |
| Miles of road in New York State, main line..... | 7,893.54 | 7,991.73 |
| Tons of freight carried one mile..... | 18,815,692,979 | 15,378,354,923 |
| Average freight earnings per ton per mile (cents)..... | 0.751 | 0.766 |
| Average freight expenses per ton per mile (cents)..... | 0.509 | 0.582 |
| Average freight profit per ton per mile (cents)..... | 0.243 | 0.283 |
| Passengers carried one mile (exclusive of elevated roads) | 3,038,980,448 | 3,751,558,970 |
| Average earnings per passenger per mile (cents)..... | 2.30 | 1.93 |
| Average expenses per passenger per mile (cents)..... | 1.55 | 1.81 |
| Average profit per passenger per mile (cents)..... | 0.65 | 0.63 |

Includes respectively interest and dividends paid by lessors from rentals received from lessees, as follows:

| | 1893. | 1894. |
|----------------|----------------|----------------|
| Interest..... | \$8,307,617 43 | \$9,174,188 29 |
| Dividends..... | 4,153,469 69 | 4,199,470 11 |

d Denotes deficiency.

Indicative of the continued falling off in business since June 30, 1894, a comparison of receipts and expenses, not including dividends, for the quarters ending September 30, 1893 and 1894, is herewith submitted. The decrease in gross earnings from operation for the quarter ending September 30, 1894, was \$4,239,246.21. This was more than made up, however, by a decrease in operating expenses of \$4,938,218.05, leaving an increase in earnings from operation of \$698,971.84. The total receipts and disbursements show a decrease in gross income of \$4,426,411.43, and a decrease in gross expenses of \$4,682,009.51, leaving an increase in net income available for dividends of \$255,598.08. These comparative tables include only the principal roads operating in this State, but three of which show a deficit in their operations for the quarter.

COMPARISON of quarterly reports of principal roads operating in New York State for the three months ending September 30, 1893, and September 30, 1894.

| Road. | 1893. | | | 1894. | | |
|---|--------------------------------|---------------------|------------------------------|--------------------------------|---------------------|------------------------------|
| | Gross earnings from operation. | Operating expenses. | Net earnings from operation. | Gross earnings from operation. | Operating expenses. | Net earnings from operation. |
| Boston and Albany..... | \$2,557,407 50 | \$1,967,704 55 | \$589,702 95 | \$2,330,354 88 | \$1,457,331 89 | \$882,022 94 |
| Buffalo, Rochester and Pittsburgh..... | 911,434 61 | 623,631 46 | 287,793 15 | 840,140 12 | 557,005 10 | 283,044 53 |
| Delaware and Hudson (including Adirondack)..... | 2,095,410 60 | 1,303,340 14 | 892,070 46 | 2,025,454 55 | 1,078,949 54 | 946,505 01 |
| Delaware, Lackawanna and Western..... | 2,316,988 43 | 1,353,039 78 | 1,064,908 64 | 2,370,459 68 | 1,066,638 50 | 1,303,821 18 |
| Elmira, Cortland and Northern..... | 107,045 10 | 66,177 53 | 40,867 57 | 132,456 36 | 66,438 73 | 66,017 63 |
| Elmira and Lake Ontario..... | 166,108 34 | 159,842 97 | 6,265 37 | 155,548 78 | 141,547 31 | 14,001 47 |
| Fall Brook..... | 163,948 34 | 73,563 31 | 90,385 03 | 163,991 84 | 63,568 07 | 95,423 77 |
| Pittsburgh..... | 1,894,441 34 | 1,238,063 57 | 656,377 77 | 1,894,424 55 | 1,307,336 74 | 587,087 81 |
| Long Island..... | 1,450,515 07 | 837,367 56 | 613,147 51 | 1,405,473 23 | 771,996 28 | 633,476 95 |
| Lake Shore..... | 6,064,579 76 | 4,301,434 13 | 1,763,145 63 | 4,592,053 53 | 3,172,918 14 | 1,419,135 39 |
| New Jersey and New York..... | 98,308 03 | 63,857 73 | 34,450 29 | 94,353 93 | 79,579 35 | 15,074 57 |
| New York Central and Hudson River..... | 11,834,791 33 | 7,842,969 19 | 3,991,822 14 | 10,341,561 51 | 6,694,752 66 | 3,646,808 85 |
| New York, Chicago and St. Louis..... | 1,817,729 43 | 1,369,421 73 | 448,307 70 | 1,430,608 43 | 1,048,968 14 | 381,640 29 |
| New York, Lake Erie and Western..... | 7,623,990 93 | 5,741,130 53 | 1,882,860 40 | 6,519,615 05 | 4,936,513 68 | 1,583,101 37 |
| New York and New England..... | 1,827,397 30 | 1,033,041 98 | 794,355 32 | 1,440,615 05 | 1,031,397 88 | 409,217 17 |
| New York, New Haven and Hartford..... | 7,128,223 31 | 4,572,064 00 | 2,556,159 31 | 7,317,015 61 | 4,435,716 41 | 2,751,299 17 |
| New York, Ontario and Western..... | 1,132,139 00 | 736,443 00 | 395,696 00 | 1,057,170 00 | 674,407 00 | 382,763 00 |
| Ogdensburg and Lake Champlain..... | 236,030 42 | 173,755 38 | 62,275 04 | 216,387 66 | 154,923 66 | 61,464 00 |
| Staten Island Rapid Transit..... | 363,906 64 | 176,005 01 | 187,901 63 | 330,989 10 | 135,501 30 | 195,487 80 |
| Syracuse, Binghamton and New York..... | 346,906 03 | 145,333 30 | 101,572 64 | 346,366 37 | 134,174 98 | 212,091 39 |
| Syracuse, Geneva and Corning..... | 101,140 55 | 104,031 93 | 57,119 53 | 168,009 55 | 196,654 07 | 59,355 43 |
| Western New York and Pennsylvania..... | 898,535 32 | 663,440 54 | 235,094 71 | 954,307 53 | 575,635 26 | 378,672 27 |
| Totals..... | \$50,437,703 13 | \$34,657,756 69 | \$15,749,946 43 | \$46,196,456 91 | \$39,749,333 64 | \$6,448,918 27 |

SUMMARY.

| | Quarter ending Sept. 30, 1893. | Quarter ending Sept. 30, 1894. |
|---|--------------------------------|--------------------------------|
| Gross earnings from operation..... | \$50,437,703 13 | \$46,196,456 91 |
| Operating expenses..... | 34,657,756 69 | 29,749,333 64 |
| Net income from operation..... | \$15,749,946 43 | \$6,448,918 27 |
| Decrease in income from operation 1894..... | | \$4,289,246 31 |
| Decrease in operating expenses 1894..... | | 4,988,318 05 |
| Increase in net income from operation 1894..... | | \$908,971 84 |

COMPARISON of quarterly reports of principal roads operating in New York State for three months ending September 30, 1898, and September 30, 1894.

d Denotes deficit.

| Road. | 1898. | | | 1894. | | |
|---|--------------------------|-----------------|----------------|--------------------------|-----------------|----------------|
| | Income from all sources. | Total expenses. | Net income. | Income from all sources. | Total expenses. | Net income. |
| Boston and Albany..... | \$2,557,407 50 | \$3,099,970 18 | \$458,187 38 | \$2,330,354 38 | \$1,640,010 16 | \$990,344 57 |
| Buffalo, Rochester and Pittsburgh..... | 918,748 58 | 1,890,288 45 | 70,510 13 | 947,484 59 | 1,778,246 11 | 71,178 48 |
| Delaware and Hudson (including Adirondack)..... | 3,035,410 40 | 1,881,980 43 | 213,431 17 | 3,035,484 58 | 1,785,484 58 | 960,599 97 |
| Delaware, Lackawanna and Western..... | 2,945,938 49 | 1,866,338 78 | 456,603 31 | 2,970,450 88 | 1,677,481 50 | 698,068 18 |
| Elgin, Cortland and Northern..... | 107,135 97 | 87,187 94 | d | 152,553 89 | 97,447 05 | 55,106 84 |
| Elmira and Lake Ontario..... | 156,103 84 | 170,730 86 | d | 185,548 76 | 150,358 87 | 5,188 91 |
| Fall Brook..... | 399,283 69 | 85,168 38 | 4,457 08 | 178,504 66 | 78,548 70 | 99,955 96 |
| Pittsburgh..... | 1,891,183 99 | 1,699,799 56 | 196,333 33 | 1,939,083 73 | 1,888,670 48 | 323,333 36 |
| Long Island..... | 1,501,982 98 | 1,098,182 89 | 413,770 06 | 1,471,989 38 | 1,080,881 39 | 411,987 98 |
| Lake Shore..... | 6,183,121 38 | 5,409,885 76 | 773,140 89 | 5,087,180 98 | 4,813,019 33 | 774,140 38 |
| New Jersey and New York..... | 98,308 08 | 71,800 49 | 37,007 53 | 94,983 98 | 58,437 19 | 3,516 73 |
| New York Central and Hudson River..... | 12,811,847 87 | 10,837,987 56 | 1,813,910 01 | 10,840,391 99 | 9,744,910 86 | 1,095,911 13 |
| New York, Chicago and St. Louis..... | 7,818,949 91 | 1,651,683 65 | 166,616 36 | 1,489,959 51 | 1,331,920 99 | 100,931 59 |
| New York, Lake Erie and Western..... | 7,980,235 64 | 7,870,778 68 | 290,459 16 | 6,783,743 51 | 6,955,984 37 | d |
| New York and New England..... | 1,598,479 64 | 1,812,818 16 | 16,301 48 | 1,441,894 45 | 1,607,864 03 | 66,069 58 |
| New York, New Haven and Hartford..... | 7,187,845 37 | 6,365,819 10 | 901,845 87 | 7,369,678 08 | 5,864,170 06 | 1,505,507 99 |
| New York, Ontario and Western..... | 1,150,969 00 | 935,168 55 | 194,886 45 | 1,078,010 00 | 927,384 00 | 150,626 00 |
| Ontonagon and Lake Champlain..... | 338,558 89 | 340,684 39 | d | 317,990 97 | 323,599 47 | d |
| Staten Island Rapid Transit..... | 383,906 64 | 387,108 15 | 108,710 40 | 380,580 16 | 363,608 99 | 5,368 50 |
| Syracuse, Binghamton and New York..... | 946,906 03 | 190,387 30 | 56,668 64 | 896,266 37 | 179,073 98 | 119,338 94 |
| Syracuse, Geneva and Corning..... | 161,140 55 | 160,348 65 | 66,701 90 | 168,039 55 | 166,718 19 | 77,186 36 |
| Western New York and Pennsylvania..... | 689,107 09 | 955,110 95 | d | 954,538 28 | 886,978 09 | 1,321 36 |
| Totals..... | \$51,641,980 30 | \$45,954,886 96 | \$5,686,894 34 | \$47,314,887 87 | \$41,372,876 55 | \$5,942,489 38 |

SUMMARY.

| | Quarter ending Sept. 30, 1898. | Quarter ending Sept. 30, 1894. |
|-------------------------------------|--------------------------------|--------------------------------|
| Income from all sources..... | \$51,641,980 30 | \$47,314,887 87 |
| Total expenses..... | 46,304,885 06 | 41,372,876 55 |
| Net income..... | \$5,686,894 34 | \$5,942,489 39 |
| Decrease in gross income 1894..... | | \$4,486,411 43 |
| Decrease in gross expense 1894..... | | 4,688,009 51 |
| Decrease in net income 1894..... | | 285,598 08 |

Constitutional Changes.

Section 5 of article 13 of the Revised Constitution provides that "No public officer or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another." By section 18 of article 1 of the new Constitution, it is provided that "the right of action now existing to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation." As is well known, the limitation imposed heretofore by statute upon the amount of damages recoverable in such actions has been \$5,000. The effect of the constitutional amendment is to supersede section 1904 of the Code of Civil Procedure which contained the limitation. By section 7 of article 7 of the new Constitution, it is also provided that the lands of the State constituting the Forest Preserve as now fixed by law shall be forever kept as wild lands, and that they shall not be leased, sold or exchanged, or be taken by any corporation, public or private. This will in effect hereafter prohibit the construction of railroads thereon.

Legislative Enactments.

The various enactments of the year relating to subjects within the jurisdiction of this Board will be found sufficiently treated in the reports made to the Governor upon the bills referred by him to the Board. (See references from the Governor, in this volume.)

References, Complaints and Applications.

During the past year the Board has considered and disposed of twelve references by the Governor; fifty-three complaints of rail-

roads, cities, towns, associations, individuals, etc.; twenty applications for change of motive power on street railroads; six applications for increase of capital stock by railroad companies, and one application for reduction of capital stock; four applications under section 59 of the Railroad Law for permission to build steam railroads; two applications for change of corporate name; three applications for approval of leases; two applications for permission to cross the tracks of other railroads at grade; two applications for exemption as to equipment of freight cars with automatic couplers. The determinations in these matters may be found in this volume.

The business of the Board has been promptly transacted and matters involving extended investigation and examination have been disposed of with due expedition. There has been no time when arrears of business have been allowed to accumulate, and those appearing before the Board have in the main expressed themselves as satisfied with its decisions.

Rates.

As was the case in 1893, there have been but few complaints of overcharges regarding carriage of freight. Among these was one from certain fruit merchants in the city of Syracuse, who alleged discrimination in favor of Utica dealers. After several hearings had upon the matter and a full investigation, the Board dismissed the charges, finding that the discrimination complained of had been brought about by temporary depression of rates between Utica and New York due to special competition. This condition was disposed of and the Utica rates were restored to what had been considered a normal point, thus equalizing them with those of Syracuse. A hearing was also given to representatives of the Board of Trade of Buffalo regarding alleged discriminations. The Board, after careful consideration, came to the con-

clusion that the question should be laid before the Interstate Commerce Commission rather than before a State board.

Most of the complaints from individuals have been amicably adjusted. There were a few [minor complaints, which, upon investigation, the Board found were not sustained.

Fences.

The Board renews its recommendation of last year, in regard to amending the statute relative to fences along the line of railroads. Many complaints are received from persons residing along the various lines of road in the State, and the railroad companies, upon notification from this Board, have invariably made the necessary repairs.

Fires.

As stated in the report of last year, the complaints from setting of fires are less numerous than heretofore, there being but one complaint of this sort to this Board during the current year.

Accidents.

The table of accidents for the year ending June 30, 1894, shows a slight decrease in their number as compared with the report for 1893. Seven hundred and twenty-three persons were killed and 1,821 injured, as compared with 742 killed and 2,288 injured in 1893. The following table gives a complete record of all accidents:

TABLE OF ACCIDENTS reported to the Board of Railroad Commissioners, classified as to cause, for the year ending June 30, 1894.

| CAUSE OF ACCIDENT. | PASSENGERS. | | | | | | EMPLOYEES. | | | | | | OTHERS. | | | | | | TOTAL. | |
|---|-------------|----------|---------|----------|---------|----------|------------|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|---------|----------|
| | 1894. | | 1893. | | 1894. | | 1893. | | 1894. | | 1893. | | 1894. | | 1893. | | 1894. | | 1893. | |
| | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. | Killed. | Injured. |
| Fall from train, engine or car..... | 3 | 6 | 2 | 17 | 38 | 111 | 44 | 154 | 21 | 36 | 8 | 27 | 57 | 133 | 54 | 136 | 54 | 136 | 54 | 136 |
| Getting on or off trains in motion..... | 14 | 62 | 13 | 63 | 9 | 45 | 13 | 112 | 87 | 104 | 20 | 78 | 57 | 269 | 46 | 263 | 57 | 269 | 46 | 263 |
| Striking low bridges, switches, tunnels, etc..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Persons putting head or arms out of windows, or missiles thrown in windows..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Coupling or uncoupling cars..... | 9 | 1 | 12 | 12 | 22 | 53 | 18 | 75 | 27 | 155 | 107 | 113 | 22 | 186 | 9 | 24 | 22 | 186 | 9 | 24 |
| Walking or being on track..... | 1 | 1 | 1 | 1 | 16 | 45 | 24 | 132 | 104 | 104 | 83 | 113 | 22 | 216 | 1 | 73 | 22 | 216 | 1 | 73 |
| Found dead on track..... | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Crossing track at highways..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Protected with gates or flagmen..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Not protected with gates or flagmen..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Catching cars by hand on freight cars..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Derailment by misplaced switch..... | 7 | 36 | 8 | 11 | 10 | 10 | 11 | 19 | 64 | 57 | 56 | 61 | 2 | 9 | 11 | 19 | 2 | 9 | 11 | 19 |
| Derailment by broken rail..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Derailment by broken frog or switch..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Derailment by broken axle..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Derailment by broken wheel..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Derailment by defective track..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Derailment by defective switch..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Derailment from unknown on track..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Collisions, butting by misplaced switch..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Collisions, butting by mistake or neglect of orders or signal..... | 16 | 32 | 5 | 6 | 2 | 23 | 2 | 23 | 1 | 1 | 1 | 1 | 22 | 54 | 2 | 39 | 22 | 54 | 2 | 39 |
| Collisions, butting with a handcar..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Collisions, butting by causes unexplained..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Collisions, rear, by mistake or neglect of orders or signal..... | 9 | 11 | 1 | 86 | 4 | 7 | 1 | 43 | 2 | 1 | 1 | 3 | 6 | 16 | 4 | 73 | 6 | 16 | 4 | 73 |
| Collisions, rear, by mistake or neglect of orders or signal..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Collisions, rear, by mistake or neglect of orders or signal..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Collisions, rear, from unknown causes..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Collisions, at grade crossings of railroads..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Failure of bridge, cattle-guard or trestle..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Locomotive explosions..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Other train accidents..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Other accidents..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Casualties not caused by trains, engines or cars..... | 43 | 223 | 30 | 271 | 135 | 1,166 | 305 | 1,622 | 490 | 433 | 405 | 385 | 723 | 1,321 | 743 | 2,388 | 723 | 1,321 | 743 | 2,388 |
| From causes beyond their own control..... | 29 | 143 | 9 | 178 | 51 | 467 | 81 | 478 | 8 | 18 | 19 | 51 | 88 | 627 | 109 | 707 | 88 | 627 | 109 | 707 |
| By their own misconduct or inattention..... | 14 | 72 | 19 | 13 | 105 | 665 | 11 | 1,166 | 490 | 433 | 394 | 385 | 1,166 | 1,321 | 743 | 2,388 | 1,166 | 1,321 | 743 | 2,388 |
| Reported or caused by intoxication..... | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Indeterminable as to want of caution or otherwise..... | 43 | 223 | 30 | 271 | 135 | 1,166 | 305 | 1,622 | 490 | 433 | 405 | 385 | 723 | 1,321 | 743 | 2,388 | 723 | 1,321 | 743 | 2,388 |

The number of passengers killed from causes beyond their own control was twenty-nine, and injured, 142. Many of the injuries to passengers were but slight, such as being cut by glass, bruised, etc. Fourteen passengers were killed and sixty-two injured by getting on or off of trains in motion. In this volume are included the reports of investigations by the Board of all of these accidents not referred to in the report of 1893.

The number of employes killed in 1894 was 185, and the number injured 1,166, as compared with 306 killed and 1,622 injured for the year ending June 30, 1893. The equipment of freight cars with automatic air-brakes and couplers undoubtedly accounts for some of this decrease, but the primary cause was the decreased number of employes owing to decreased business.

Passengers Carried.

The following shows the total number of passengers carried during the year ending June 30, 1894, as compared with the preceding year:

| | 1893. | 1894. |
|----------------------|--------------------|--------------------|
| Steam roads | 148,349,330 | 162,957,535 |
| Elevated roads | 278,343,341 | 251,692,610 |
| Street roads | 487,064,531 | 504,070,025 |
| Totals | <u>913,757,202</u> | <u>918,720,170</u> |

The accident table shows that the total number of passengers killed during the year ending June 30, 1894, from causes beyond their control was twenty-nine, making the remarkable average of one in each 31,680,000 passengers carried. These totals do not include the 41,221,405 passengers carried on the Brooklyn bridge, where no passengers were killed during the year. With these figures added the average would be one in 33,103,157 passengers carried.

Grade Crossings.

During the year ninety-five persons were killed and ninety-five injured at grade crossings.

Reference has already been made to this subject in the earlier paragraphs of this report. In former years the Board has persistently urged legislation. The recommendations heretofore made represent the present views of the Board, with but slight, if any, modification. It is still clear to the Board, as it has been in the past, that in case of new railroad construction no grade crossing should be permitted. The constructing company should in every instance build over or under the highway.

New highways, on the other hand, are and will continue to be often laid out across an existing railroad whose grade is established, and which may have been in operation for a long term of years. In such cases there arises, first, the question whether the company should bear any part of the expense of carrying the highway under or over the steam road. Should the towns, villages or cities in which the street or highway may be laid out bear any part of such expense? These and other questions connected with such new projects present, perhaps, the more vexatious side of the general problem.

In its report of last year the Board expressed itself upon this phase of the subject as follows: "After a careful consideration of the question the Board is of the opinion that the expense should be borne by both interests. The railroads admit that they should bear part of the expense. It remains to determine what proportion. The Board is of the opinion that one-half should be borne by the roads, in view of the franchise rights they enjoy, of the danger to the public incident to the exercise of those rights, of the increased protection to their property which would result from under or over crossings, of the advantages gained by not being compelled to lessen speed, and of the diminution of the

pecuniary liabilities as the result of such crossings. On the other hand, the communities through which they pass are greatly benefited and the properties of such communities are increased in value by the roads. The expense incident to such great benefits should be borne in just proportion by the interests benefited. The imposition of one-half of the expense upon the town, village or city would operate as a check on the unnecessary opening of streets and highways."

In drafting the bill which is submitted with this report, and which immediately follows it, the Board has proceeded upon the theory that some of the questions connected with this subject can not be satisfactorily predetermined or adjusted. Perusal of the bill will show that questions of this class have been disposed of by providing that the courts shall pass upon them in whole or in part.

The Board renews its recommendation that the nature and cost of the construction under or over railroad property in certain cases must be fixed by a commission of three to be appointed by the courts. Of these three, one should represent the railroad, one the town, village or city, and one should be a competent civil engineer.

As a whole, it may be said that the bill now submitted is drawn after careful study of measures which have produced good results in other States, and the Board is not aware of any existing condition in this State which would prevent its successful operation here. It may be proper to again reiterate what has been said in the earlier pages of the report that there is full recognition by the Board of the peculiar difficulties now surrounding the companies, and of the consequent necessity of pushing such a measure as this, with extreme consideration. Former reports indicate that the Board has always recognized that the improvement involved in a general abolition of existing grade crossings is one of great magnitude, and for that reason the

Board has always suggested that it should be carried on gradually rather than rapidly. It is, however, desirable to embody the proposition in legislation and to make a beginning. This State has reached so advanced a stage in its material development that its existing enterprises and institutions must be regarded as permanent. They must, therefore, be slowly but surely established upon substantial and enduring foundations. Great works, whether public or private, must be completed in a manner befitting the final and lasting character which we believe our State is to assume. The construction of railroads may have been hasty or imperfect in ruder days. At present, it can only fit the later condition of the general community when brought to a state as nearly approaching perfection as is practicable. The change from the cheap and destructive grade crossing to a substantial and safe form of crossing over or under the public highway, is an important step toward the form which the railways of the State are to assume. In many particulars the companies show full appreciation of their obligations. They have vastly improved their structure both for purposes of safety and to afford comfort to travelers. The contrast between their present appearance and condition with those of even ten years ago is striking and admirable.

The Board is also of the opinion that where an electric railroad proposes to cross an existing steam railroad there should not be a grade crossing, and has incorporated a section in the bill with this view.

Trespassers.

Two hundred and twenty-seven trespassers on railroad tracks were killed during the year and 155 injured, compared with 197 killed and 113 injured during the year 1893. This increase may be accounted for by the increase in the number of miscellaneous floating characters or tramps whose lives are spent on freight trains or in walking between stations.

Automatic Couplers and Air-Brakes.

Gratifying progress is being made by the various roads of the State under chapters 543 and 544 of the Laws of 1893, in regard to the equipment of freight cars with automatic couplers and air-brakes. From what the Board can ascertain as to results in other States under the act of Congress in regard to this subject, and from a perusal of the latest reports of the Interstate Commerce Commission, it is justified in expressing the belief that the equipment of this State is in advance of that of the rest of the Union. This view is decidedly confirmed by the fact that accidents to employes in the remainder of the Union seem to increase rather than to diminish, while in this State they have diminished. It is further confirmed by the contrast exhibited in this State between the increase of the deaths and injuries of trespassers and the diminution of the casualties to employes.

Guard Rails and Frogs.

Two persons have been killed and nine injured during the past year by having feet caught in guard rails or frogs, as compared with eleven killed and eighteen injured during the year 1893. The railroad companies are observing the recommendations of this Board in regard to blocking frogs and guard rails. This is an especially gratifying result, as the victims of this sort of accident are, without exception, employes of the companies, and it is impossible for them to protect themselves against the peril of the frog that is not blocked.

Stations.

The amendment to the Railroad Law which prohibits the discontinuance of a railroad station without the consent of this Board, continues to work satisfactorily. The decisions of the Board in applications under this provision have been complied with by the companies without exception.

Lighting Cars.

Railroad companies are making rapid progress in the equipment of their passenger coaches with apparatus for lighting by gas. Experiments are being made also in regard to lighting by electricity and the furnishing of power for that purpose from the axle. The Board renews its recommendations of last year on this subject, as it believes that all passenger coaches should be lighted by either gas or electricity.

Strengthening Cars.

This Board in its reports for the last two years has made specific recommendations looking to the strengthening of cars. The Master Car Builders' Association has taken up this subject. The building of baggage, mail and express cars without platforms should also receive attention; the car would be stronger if so built and would afford better protection for life and property.

Drawbridges on the Hudson.

An accident in 1892 at New Hamburg caused by the opening of a drawbridge over a so-called arm of the sea, led the Board to make a recommendation which it has since persistently repeated, to the effect that legislation both by the State and by Congress should close these drawbridges. The accident referred to in 1892 was the second at that point, produced by the same cause, each resulting in a number of deaths. There are five such drawbridges between Albany and Spuyten Duyvil which it is deemed proper to close. The last Legislature, at the request of this Board, passed in one house a measure which would have promoted this purpose, but it failed to pass the other house. The Board again recommends the adoption of such action, and continues the recommendations heretofore made on this subject.

Physical Condition of Railroads.

In spite of the financial difficulties of the past year and the drain upon the resources of the railroads, their physical condition has been well maintained. In many directions it has been positively improved. All of the roads are under a constant inspection, which includes a careful examination of their equipment, roadbed, bridges and masonry structures. Defects or needed improvements are noted and the companies are immediately notified thereof and have invariably complied with the recommendations of the Board.

Railroad companies are improving the method of application of brakes for high speed passenger trains.

The Board renews its recommendations of last year in regard to the advisability of equipping passenger cars on other than single track railroads with platform gates, and locomotive engines with a muffler for the safety valve, and a device to protect the check valve in case of collision.

By chapter 489 of the Laws of 1884, adopted at the suggestion of this Board, the provisions of which have been incorporated in section 49 of the present Railroad Law, subdivision 1, split-point switches or some other kind of safety switch is required to be laid. It would seem that all stub switches existing at the time of the passage of the act of 1884 should by this time have been replaced by switches in conformity with this section, and that careful railroad management would see the necessity of completing this change as the safety of the traveling public and employes is largely involved in it.

The tendency to increased weight of rail is noted by the action of the New York Central and Hudson River Railroad Company in laying some seventy miles of 100-pound rails on its Hudson River division, its purpose being to relay the whole of this division with this rail.

Block Signals.

Some form of system of block signals, as stated in the report of last year, is being generally adopted, and such a system has already been in full operation on the New York Central and Hudson River railroad for nearly two years, and on the New York, Lake Erie and Western railroad for more than a year. There has not been a rear collision of passenger trains on those railroads since the adoption of such system.

Electric and Cable Street Railroads.

The Board renews its recommendations of last year in regard to electric and cable street railroads. They were set forth in full in the report of last year, and as they form a considerable portion of that report it is not deemed best to repeat them at length in the body of this report.

The use of this new form of motor has been followed by an inexcusable increase in the number of deaths and injuries. If the recommendations made last year by the Board had been adopted by the roads, there would have been a decided falling off in the number of such casualties. The Board can not too earnestly recommend the observance of these suggestions. The Legislature may wisely consider the propriety of embodying at least a part of them in some enactment. The Board again urges the Legislature to take this course.

The recommendations are, therefore, attached to this report, following the proposed grade-crossing bill.

Legislation looking to the amendment of section 100 of the Railroad Law is also advised, so that it shall be made clear that the provisions of said section apply to new construction as well as the change of motive power by old roads.

An effort was made last year to present a new and perfect railroad map of the State in connection with the report. The

failure to do so was the result of the method employed in printing. The Board takes pleasure in announcing this year, however, that the difficulties of last year have been overcome, and that the map presented with the report of 1894 is not only perfect in all details regarding railroads of this State, but has been pronounced the best railroad map of any of the States.

All of which is respectfully submitted.

SAMUEL A. BEARDSLEY,
MICHAEL RICKARD,
ALFRED C. CHAPIN,
Commissioners.

PROPOSED GRADE CROSSING BILL.

AN ACT to amend article two of the Railroad Law, relative to grade crossings.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Article two of the Railroad Law is hereby amended by adding thereto the following sections:

§ 60. All railroads hereafter built must be so constructed as to avoid all public crossings at grade, except when authorized by the board of railroad commissioners to otherwise build. Whenever application is made to the board of railroad commissioners under section fifty-nine of the Railroad Law, or whenever an existing railroad desires to extend its lines before beginning construction, there shall be filed with said board a map showing the streets, avenues and highways proposed to be crossed by the new railroad, and the said board shall determine whether such crossings shall be at grade or otherwise. Whenever an application is made under this section to determine the manner of crossing, at grade or otherwise, the said board shall designate a time and place when and where a hearing will be given to such railroad company, and shall notify the municipal corporation having jurisdiction over such streets, avenues or highways proposed to be crossed by the new railroad. The said board shall also give public notice of such hearing in at least two newspapers published in the locality affected by the application, and all persons owning land adjoining the proposed railroad, or in the vicinity of the proposed crossings, shall have the right to be heard. The decision of the said board rendered in any proceedings under this section shall be communicated, within twenty days after final hearing, to all parties to whom notice of the hearing in said proceeding was given, or who appeared at said hearing by counsel or in person.

the hearing in said proceeding was given or who appeared at said hearing by counsel or in person. Any person aggrieved by such decision, or by a decision made pursuant to sections sixty and sixty-one hereof, and who was a party to said proceeding may appeal therefrom to the general term of the supreme court in the department in which such grade crossing is situated and to the court of appeals, in the same manner and with like effect as is provided in the case of appeals from an order of the supreme court.

§ 63. In carrying out the provisions of sections sixty, sixty-one and sixty-two of this act, the railroad company or the municipality may acquire land necessary therefor by condemnation, and damages on account of carrying a street, avenue or highway over or under a railroad, shall be assessed in the manner provided by the Condemnation Law.

§ 64. When a highway crosses a railroad by an overhead bridge, the framework of the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the surface of the bridge and its approaches shall be maintained and kept in repair by the municipality in which the same are situated. When a highway passes under a railroad, the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the public way and its approaches shall be maintained and kept in repair by the city, village or town in which they are situated.

§ 65. Whenever, under the provisions of section sixty of this act, new railroads are constructed across existing highways, the expense of crossing above or below the grade of the highway shall be paid entirely by the railroad corporation; whenever under the provisions of section sixty-one of this act a new street, avenue or highway is constructed across an existing railroad, the railroad corporation shall pay one-half and the municipal corporation wherein such street, avenue or highway is located shall pay the remaining one-half of the expense of such crossings above or below grade; and whenever a change is made in an existing crossing, of any character whatsoever, in accordance with the provisions of section sixty-two of this act, sixty-two and one-half per cent. of the expense thereof shall be borne by the railroad corporation, twenty-five per cent. by the municipal corporation, and twelve and one-half per cent. by the state.

In carrying out the provisions of sections sixty-one and sixty-two of this act, the work shall be done by the railroad corporations affected thereby, subject to the supervision and approval of the board of railroad commissioners, and in all cases, except where the entire expense is paid by the railroad corporation, the expense of construction shall be paid primarily by the railroad company, and the expense of acquiring additional lands or in the liquidation of damages to property, as provided in section sixty-three of this act, shall be paid primarily by the municipal corporation wherein such highways are located. Upon the completion of the work and its approval by the board of railroad commissioners, an accounting shall be had between the railroad corporation and the municipal corporation, and if it shall appear that the railroad corporation or the municipal corporation have expended more than their proportion of the expense of the crossing, a settlement shall be forthwith made in accordance with the provisions of this section. All items of expenditure shall be verified under oath, and, in case of a dispute to the amount expended, any judge of the supreme court in the judicial district in which the municipality is situated, may appoint a referee to take testimony as to the amount expended, and the between the railroad corporation and the municipal corporation as confirmation of the report of the referee shall be final. In the event of the failure or refusal of the railroad corporation to pay its proportion of the expense, the same may be levied and assessed upon the railroad corporation and collected in the same manner that taxes and assessments are now collected by the municipal corporation within which the work is done; and in the event of the failure or refusal of the municipal corporation to pay its proportion of the expense, suit may be instituted by the railroad corporation for the collection of the amount remaining unpaid. The legislature shall annually appropriate out of any moneys not otherwise appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, for the purpose of paying the state's proportion of the expense of any change in any existing grade crossing, and if any less sum than one hundred thousand dollars is expended by the state for the aforesaid purpose in any one year, the balance shall be applied to reduce the amount to be appropriated in the next succeeding year, but in no

event shall the state expend a greater sum than one hundred thousand dollars in any one year. The state's proportion of the expense of changing any existing grade crossing shall be paid by the state treasurer upon the warrant of the comptroller, to which shall be appended the certificate of the board of railroad commissioners to the effect that the work has been properly performed, and statement showing the situation of the crossing that has been changed, the total cost and the proportionate expense thereof, and the money shall be paid in whole or in part to the railroad corporation or to the municipal corporation, as the board of railroad commissioners may direct.

§ 66. The railroad commissioners may, in the absence of any application therefor, when, in their opinion, public safety requires an alteration in an existing grade crossing, institute proceedings on their own motion for an alteration in such grade crossing, upon such notice as they shall deem reasonable to the railroad company, the municipal corporation and the person or persons interested, and proceedings shall be conducted as provided in section sixty-two of this act.

§ 67. It shall be the duty of the corporation, municipality or person or persons to whom the decisions and recommendations of the board of railroad commissioners are directed as provided in sections sixty, sixty-one, sixty-two and sixty-six of this act to comply with such decisions and recommendations of the board, and in case of their failure to do so the board shall present the facts in the case to the attorney-general who shall thereupon take proceedings to compel obedience to the decisions and recommendations of the board of railroad commissioners. The supreme court, at special term, shall have the power in all cases of such decisions and recommendations by the board of railroad commissioners to compel compliance therewith by mandamus, subject to appeal to the general term of the supreme court and the court of appeals, in the same manner, and with like effect, as is provided in case of appeals from any order of the supreme court.

§ 68 All electric railroads hereafter constructed across a steam railroad shall be above or below grade at the expense of the constructing road. When an existing grade crossing is to be changed to an overhead or an underground crossing, pursuant to the provisions of section sixty-two of this article, and the highway is occupied in part by a street surface railroad, twelve

and one-half per cent. of the expense of making such change shall be borne by the state, twenty-five per cent. by the municipal corporation within whose limits the crossing is situated, and sixty-two and one half per cent. by said steam and electric railroads, each to bear such proportion of said sixty-two and one-half per cent. as shall be determined by commissioners to be appointed by the supreme court.

§ 69. The city of Buffalo, in so far as it is affected by chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, chapter two hundred and fifty-five of the laws of eighteen hundred and ninety, and chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-two, is exempted from the provisions of section sixty-two of this act.

§ 2. This act shall take effect immediately.

Recommendations as to Operation of Electric and Cable Cars on Street Surface Railroads.

(Republished from Report of 1898.)

First. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric or cable car.

Second. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

Third. An efficient guard or safety fender shall be attached to the trucks of all electric and cable cars. This to be done as quickly as possible. The question of fenders on electric and cable cars is one to which this Board, for the past year, has given its careful consideration, by personal examination as to the practical working of the several forms in use in different cities in the State, and also by examination of types used in other States. The time has arrived, owing to the rapid increase in the number of electric and cable cars, when the adoption of the best obtainable form of fender is urgent; the companies should not wait

Board to interfere as to this question, special recommendations applying to the particular localities will be made. It is undoubtedly customary in many instances for motormen on trolley cars to run at an excessive rate of speed. The attention of local authorities is called to this subject, and it is earnestly recommended that they take action in the matter. The Board's attention has quite recently been called to the statement of Prof. Plymton in the annual report of the Brooklyn Subway Commission, wherein he says, in speaking of the trolley system: "regulation of the speed can probably be accomplished only by a mechanical governor, which will limit the rate of the motor to that required to propel the car to the maximum legal velocity." If such a device is practicable it will be a very satisfactory solution of the question. If it is not, the Board would suggest to the consideration of the officials of these roads, the use of some form of indicator on each car, whereby the motorman, as well as the passengers, can tell at a glance the rate of speed maintained by the car.

Legislation should be had which will compel all cars on such railroads to stop before crossing steam railroads, or some provision should be made for an interlocking switch and signal at such crossings of steam railroads, as is now provided where steam railroads cross each other. The law should also provide that at highway crossings in suburban districts there shall be sign-boards to warn people of the presence of such electric or cable roads.

THE FOLLOWING ARE THE RULES OF PROCEDURE ADOPTED BY THE BOARD IN MATTERS COMING BEFORE IT :

Complaints.

Complaints to the Board against railroad companies should be made in writing, and the cause of complaint should be stated clearly. Upon receipt of a complaint a copy is sent to the railroad company, and an answer must be made within ten days, unless longer time is allowed by the Board. A copy of the answer is sent to the complainant, and, if not satisfactory, issue is joined, a hearing had and a decision rendered.

Increase of Capital Stock.

(Section 46, Stock Corporation Law.)

Application must be made by verified petition. The Board requires:

First. Three certified copies of the proceedings of the meeting of the stockholders, two to be indorsed and one to be filed in this office.

Second. A sworn statement of the financial condition of the company as to the amount of the capital stock, outstanding indebtedness and the cost of road and equipment.

Third. A sworn statement of the purposes to which the proposed increase is to be devoted, and, if for further construction or equipment, an estimate of the cost thereof made by a person competent to make the same, and verified.

Reduction of Capital Stock.

(Section 46, Stock Corporation Law.)

Application must be made by verified petition. The Board requires:

First. Three certified copies of the proceedings of the meeting of the stockholders, two to be indorsed and one to be filed in this office.

Second. A sworn statement from the proper officer of the company that the reduced capital is sufficient for the proper purposes of the corporation and is in excess of its debts and liabilities, the aggregate amount of such debts and liabilities to be stated.

Increase or Reduction of Number of Shares of Stock.

(Section 56, Stock Corporation Law.)

Application must be made by verified petition. The Board requires:

First. Three certified copies of the proceedings of the meeting of the stockholders, two to be indorsed and one to be filed in this office.

Second. A statement of the reasons why it is proposed to increase or reduce the number of shares of stock.

Filing of Maps of Railroads.

(Section 6, Railroad Law.)

Section 6 of the Railroad Law shows in detail what is required.

Accommodation of Connecting Railroads.

(Section 85, Railroad Law.)

Application must be made by verified petition. The Board will in each case prescribe rules for proof in applications under this section.

Railroads Crossing Each Other at Grade.

(Section 86, Railroad Law.)

Application must be made by verified petition. The Board requires:

First. As to the precedence of trains: The Board will in each case prescribe rules for proof in applications under this provision.

Second. In applications for approval of an interlocking switch and signal apparatus at such crossings, a hearing will be given at which a blue-print or sketch of the proposed system must be submitted to the Board which shall show distant signals at least 1,500 feet from the crossing (except where impracticable); home signals at the crossing, and throw-off switches (except where impracticable), all interlocked and operated from a tower.

Safety Devices.

(Section 50, Railroad Law.)

Application must be made by verified petition. Applications under this section will be considered under rules made for each case.

Cooking Stoves Used in Dining Cars.

(Section 51, Railroad Law.)

Application must be made by verified petition. In applications under this section for approval of cooking stoves in dining cars, the Board must see the stove proposed to be used, or a blue-print or sketch of it.

Cessation of Operation of Railroads during the Winter Months.

(Section 55, Railroad Law. See section 21, Railroad Law.)

Application must be made by verified petition. The Board will require notice of hearing on applications under this section to be advertised. Proof must be furnished that the road comes within the meaning of the section, and that the public interests

will not suffer from the cessation of operations. If the application is granted, proof must be subsequently made that the order has been posted as required by section 55.

Fixing Compensation for Transportation of the Mails.

(Section 56, Railroad Law.)

Rules of procedure under this section will be formulated in each case.

Extension of Time in which to file Reports of Railroad Companies.

(Section 57, Railroad Law.)

Applications under this section must be accompanied by a statement of the reasons why an extension of time in which to file reports is necessary.

Certificate that Public Convenience and Necessity Requires the Construction of a new Railroad.

(Section 59, Railroad Law.)

Application must be made by verified petition. The Board requires:

First. Proof of the publication of the articles of association of the company as required by section 59.

Second. Public notice of the application and hearing before the Board must be published in such form and in such newspapers as the Board shall direct.

Third. At the hearing, proof must be made (by affidavit or oral evidence, or both) that public convenience and necessity require the construction of the railroad.

Fourth. A map and survey of the line as proposed must be filed with the Board.

Fifth. Proof must be made of the *bona fides* of the enterprise, and of the financial ability of the projectors to build the road.

Consolidation or Lease of Parallel and Competing Steam Railroads.

(Section 80, Railroad Law.)

Application must be made by verified petition. Rules for the consideration of applications under this section will be established by the Board in each case.

As to Liability of Reorganized Railroad Company to Extend Its Road.

(Section 88, Railroad Law.)

Application must be made by verified petition. Rules for the consideration of applications under this section will be established by the Board in each case.

Motive Power of Street Railroads.

(Section 100, Railroad Law.)

Application must be made by verified petition. The Board requires:

First. Publication of notice of hearing on the application in such form and in such newspapers as the Board shall direct.

Second. At the hearing, affidavit or affidavits of an assessor or person connected with the taxing office or department in the locality, showing the total assessed value of the property bounded on that portion of the railroad with respect to which a change of motive power is proposed, and the value of the property the owners of which have consented to the use of the motive power, which must be at least one-half the total value of abutting property.

Third. In the case of new roads, proof of the consent of the local authorities to the construction of the road.

Use of Tracks of a Street Railroad.

(Section 102, Railroad Law.)

Rules for procedure under this section will be prescribed in each case.

Abandonment of Part of Route of a Street Surface Railroad.

(Section 108, Railroad Law.)

Application must be made by verified petition. The Board requires:

First. Two copies of the declaration of abandonment, adopted as required by the section.

Second. Notice of hearing on the application shall be published in such form and in such newspapers as the Board shall prescribe.

Third. Proof must be made by affidavit or oral evidence, or

both, that the portion of the route proposed to be abandoned is no longer necessary for "the successful operation of its road and convenience of the public."

**Laying Street Railroad Track Across Steam Railroad Where
There are Three or More Steam Railroad Tracks.**

(Section 2, chapter 289, Laws 1898.)

Application must be made by verified petition. At the hearing the company making the application must furnish the Board with a map or sketch, showing the crossing and the locality surrounding it.

**Exemptions and Extensions of Time Under the Act Compelling
Equipment of Freight Cars and Locomotive Engines
with Power Brakes.**

(Section 6, chapter 548, Laws 1898.)

Application must be made by verified petition. The Board will require to be filed with it the affidavit of the proper officer of the company (general superintendent or general manager), showing the total number of freight cars and engines owned or leased by the company at the date of the application; the number that are equipped with power brakes; the number equipped during the preceding year; and reasons why exemption or extension of time is asked.

**Exemptions and Extensions of Time Under the Act Com-
pelling the Equipment of Freight Cars with Automatic
Couplers.**

(Section 6, chapter 544, Laws 1898.)

Application must be made by verified petition. The Board will require to be filed with it the affidavit of the proper officer of the company (general superintendent or general manager), showing the total number of freight cars owned or leased by the company at the date of the application; the number that are equipped with automatic couplers, the number equipped during the preceding year, and reasons why exemption or extension of time is asked.

Change of Gauge of Railroads.

(Chapter 267, Laws 1891.)

Application must be made by verified petition. The Board will require proof that stockholders owning three-fourths in amount of the capital stock of the company have voted at a special meeting called for that purpose in favor of changing the gauge of the railroad. Also such further information as it in each case shall designate.

Relative to Abandonment of Route by Elevated Railroads.

(Chapter 294, Laws 1891.)

Application must be made by verified petition. In applications under this act the Board will make rules in each case.

As to Lighting and Ventilating Tunnels.

(Chapter 860, Laws 1891.)

Rules for procedure under this act will be fixed in each case.

APPENDIX.

Decisions and recommendations :

- Executive and legislative references.
- Complaints of cities, towns, etc.
- Applications for change of motive power.
- Application for increase of capital stock.
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- Application to lease roads under section 80 of Railroad Law.
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- Inquiries.
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- Accident inquiries.

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"General Corporation Law."

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DECISIONS AND RECOMMENDATIONS.

EXECUTIVE AND LEGISLATIVE REFERENCES.

I.

RELATIVE TO AN ACT DEFINING THE TERM "LOCAL AUTHORITIES"
AS USED IN THE RAILROAD LAW.

May 1, 1894.

To the Governor of the State of New York:

The Board herewith respectfully returns Senate bill (Executive No. 82, entitled "An act to amend chapter 565 of the Laws of 1890, entitled 'An act in relation to railroads, constituting chapter 39 of the general laws.'")

This bill defines the term "local authorities" as used in the Railroad Law. Some such declaration of law was desirable to avoid litigation and this act seems to be clear and satisfactory.

By the Board.

II.

RELATIVE TO AN ACT AMENDING THE ACT TO IMPROVE AND ENLARGE
PARK AVENUE, IN THE CITY OF NEW YORK, AND TO PROVIDE FOR
THE PASSAGE OF INTERSECTING STREETS UNDER THE TRACKS OF THE
NEW YORK AND HARLEM RAILROAD COMPANY.

May 1, 1894.

To the Governor of the State of New York:

The Board herewith respectfully returns Senate bill (Executive No. 418) entitled "An act to amend chapter 339 of the Laws of 1892, entitled 'An act to regulate, improve and enlarge Park avenue above One Hundred and Sixth street, in the city of New York, and providing for the passage of intersecting streets under the railroad structure of the New York and Harlem Railroad Company, and for the elevation of said railroad structure, and for changing the grade of said railroad, and for the construction of a new railroad bridge at an increased elevation over the Harlem river, and providing for all changes in any avenues, streets or railroads that may be necessary by reason of such change in structure and grade and increased elevation of bridge, and for other purposes.'"

This bill amends section 4 of chapter 339 of the Laws of 1892, by striking out "One Hundred and Twelfth street," and inserting in its

place "One Hundred and Eleventh street;" it amends section 14 of the same chapter by inserting after the word "aforesaid" in the second line, the words "or when any amended plans, specifications and estimate authorized by law shall be so filed;" and, further, by adding to said section 14 a provision to the effect that the city of New York shall bear one-half of the cost of the new construction caused by the change from One Hundred and Twelfth street to One Hundred and Eleventh street, as already recited, such additional burden upon the city not to exceed \$50,000. The bill contains a third section, which is quite comprehensive, and imposes further duties upon the comptroller and the commissioner of public works of the city of New York in connection with the Park avenue improvement, and broadens and varies the plan under which the city of New York and the railroad are carrying out such improvement.

The bill is of such a character as makes it necessary for the authorities of the city of New York to express an opinion upon it, and it apparently calls for no opinion from this Board.

By the Board.

III.

RELATIVE TO AN ACT EXEMPTING CERTAIN STREETS IN NEW YORK CITY FROM THE CONSTRUCTION OF ELEVATED RAILWAYS THEREON.

May 1, 1894.

To the Governor of the State of New York:

The Board herewith respectfully returns Senate bill (Executive No. 248) entitled "An act to amend section 4 of chapter 4 of Laws of 1891, excepting certain parks and streets from route for an elevated railroad."

The only new legislation is found on page 3 of the bill as printed, and is as follows: "Fourteenth street between the easterly line or side of Seventh avenue and the westerly side of Fourth avenue, nor Eleventh street west of Seventh avenue, nor any part of Bank street." The effect of the insertion of these streets is to include them among those exempted from the construction of elevated railways in New York city. Such exemption presents no general public question and may properly be left to the consideration of the local authorities.

By the Board.

IV.

RELATIVE TO AN ACT EXTENDING THE TIME WITHIN WHICH THE TROY AND NEW ENGLAND RAILWAY COMPANY SHALL BEGIN THE CONSTRUCTION OF ITS RAILROAD.

May 1, 1894.

To the Governor of the State of New York:

The Board respectfully returns Senate bill (Executive No. 245) entitled "An act further to extend the time within which the Troy and New England Railway Company shall begin the construction of its railroad and expend thereon ten per cent of its capital."

This bill extends the time within which the Troy and New England Railroad Company shall begin construction and expend ten per cent of its capital thereon for three years from and after the passage of the act. This company was incorporated in December, 1889. The articles of incorporation show that the road is to be operated in Rensselaer and Columbia counties. The length of the road is thirty-five miles; capital stock, \$350,000.

The company has filed no report with this Board as required by law, and so far as the Board knows it has done nothing in any direction. If the extension asked for by this bill is not granted, it will be necessary for a new corporation to get the consent of the Board and to pay a franchise tax. The Board knows no reason why the State should grant any favor or special privilege to this corporation.

By the Board.

V.

RELATIVE TO AN ACT TO AMEND THE RAILROAD LAW IN RELATION TO CONSENTS OF PROPERTY-OWNERS FOR BUILDING AND OPERATION OF STREET SURFACE RAILROADS.

May 1, 1894.

To the Governor of the State of New York:

The Board herewith respectfully returns Assembly bill (Executive No. 147) entitled "An act to amend the Railroad Law, relating to consents of property-owners for building and operation of street surface railroads."

This bill amends section 91 of the Railroad Law in two respects. First, there is inserted the following new legislation: "Consents of property-owners heretofore obtained to the building, extending, operating or change of motive power shall be effectual for the purposes therein mentioned and be deemed to be sufficiently proved and shall be entitled to be recorded whenever such consents shall have been signed, executed or acknowledged before an officer authorized by law to take acknowledgments of deeds, or before or in the presence of a subscribing witness, and without regard to whether or not the subscribing witness shall have affixed his signature in the presence of the subscriber, provided that the proof of such signing, execution or acknowledgment shall have been made by such subscribing witness in the manner prescribed by chapter 3, part 2 of the Revised Statutes." This language is evidently inserted to provide for a special difficulty of some particular corporation which possesses a number of consents not technically eligible to record. While there may be no serious objection to granting the relief asked for in this instance, yet the method is questionable as being special legislation in disguise. Such legislation incumbers the law intended to be general with petty provisions of no importance and obscure to those who do not understand the special occasion calling for their passage.

The bill further amends section 91 by striking out the following sentence, which is now found at the end of the section: "But where such railroad runs through a street or avenue bounded on one side by

a public square or park, the consent of one-half of the property-owners on the other side of such street or avenue and opposite to such square or park shall also be first obtained." The effect of this change is to make it easier than under the present statute to construct a railroad upon a street bounded on one side by a public square or park. So far as the Board is informed there is no special demand for such a change in existing law. If the existing law is to be changed it might be modified more equitably than is done by this amendment.

By the Board.

VI.

RELATIVE TO AN ACT AMENDING THE RAILROAD LAW AUTHORIZING THE RAILROAD COMMISSIONERS TO AWARD PRIZES OFFERED BY CORPORATIONS OR INDIVIDUALS FOR IMPROVED RAILROAD APPLIANCES.

May 3, 1894.

To the Governor of the State of New York :

The Board herewith respectfully returns Senate bill (Executive No. 428) entitled "An act to amend the Railroad Law in relation to improvements in railroad appliances," and reports as follows :

This bill adds a new section to the Railroad Law, to be known as section 172. It is the outcome of a proposition submitted to the Board of Railroad Commissioners by the Metropolitan Traction Company on November 29, 1893, requesting the Board to act as judges in the awarding of a prize of \$50,000 for the best actual working system of motive power for street railway cars exclusive of the overhead trolley. The Board replied thereto declining to act, it being without power in the premises, and submitted the correspondence in the matter to the Legislature early in January, which resulted in the passage of this bill.

The publicity given to the offer of this company has resulted in applications from inventors from all parts of the world to the number of at least twenty-five hundred. The Board believes that the offering of such prizes and the conferring of authority upon it to award the same will stimulate inventors and will result in vast improvements in machinery and appliances for the operation of railroads.

By the Board.

VII.

RELATIVE TO AN ACT AMENDING THE RAILROAD LAW AUTHORIZING ELECTRIC-LIGHT COMPANIES TO BECOME RAILROAD CORPORATIONS.

May 7, 1894.

To the Governor of the State of New York :

The Board herewith respectfully returns Assembly bill (Executive No. 339) entitled "An act to amend the Railroad Law in relation to electric-light and power corporations becoming railroad corporations."

This bill amends section 21 of the Railroad Law, and is in some respects similar to the Assembly bill reported upon at page 4 of the first volume of the annual report of this Board for 1893, to which the Board respectfully refers. It varies from the bill of last year in three particulars:

First. It provides that the railroad contemplated in the bill shall be one not exceeding twenty miles in length and within that distance from a power station, and shall not exceed four miles in length in any city.

Second. The provision contained in the bill of last year permitting a corporation to acquire land to the extent of 2,000 acres, remains, but is qualified by a provision that such land shall be along the line or contiguous to the said railroad.

Third. The limitation at the close of section 21, as found in the existing law, is entirely stricken out, and the bill in its present shape permits the construction by electric-light companies of street and other railroads in all cities and towns where there are existing electric-light companies, but not exceeding four miles in length.

By the Board.

VIII.

RELATIVE TO AN ACT PERMITTING THE ABANDONMENT OF PART OF ITS ROUTE BY A STREET SURFACE RAILROAD.

May 7, 1894.

To the Governor of the State of New York:

The Board herewith respectfully returns Assembly bill (Executive No. 466) entitled "An act to amend the Railroad Law," and reports as follows:

This bill amends section 103 of the Railroad Law relating to the abandonment of part of route of a street surface railroad.

The present law provides for the abandonment of certain routes or portions of routes where one road has been *leased* by another. Either the lessee or lessor can abandon any portion of its route on certain conditions, viz., the declaration of abandonment to be adopted by its board of directors, which shall be submitted to the stockholders for approval by a vote of two-thirds, and such declaration to be submitted to the Board of Railroad Commissioners for its approval, and thereafter to be filed in the office of the Secretary of State.

The proposed amendment provides that in cities of 100,000 inhabitants, or under, any street surface railroad or corporation which shall have constructed or may hereafter construct *additional routes* so as to provide a continuous service between terminal points, or which by *consolidation or merger* of two or more roads have more than one line of road between terminal points, may declare any portion of its own route which it may deem no longer necessary for the successful operation of its road and convenience of the public in consequence of such additional construction or routes or consolidation and merger, to be

relinquished or abandoned, upon the same conditions as are required by the present law.

The effect of this amendment is to authorize a street railroad in a city of 100,000 inhabitants or under, upon constructing new or additional routes to terminal points between which it already has existing routes, or which by consolidation and merger of two or more roads have more than one line of road between such terminal points, to declare abandoned its existing routes or any portion thereof, upon the conditions stated above.

This bill confers great privileges upon street railroads in such cities; and, even with the conditions imposed, requiring, among other things, the approval of the Railroad Commissioners before such abandonment can take effect, the Board considers such legislation unwise and improper, and that it might work great injustice to existing rights in the cities and towns in the State which come within the limits of its provisions.

By the Board.

IX.

RELATIVE TO AN ACT "TO AMEND THE RAILROAD LAW RELATING TO RECEIPTS FOR FREIGHT."

May 7, 1894.

To the Governor of the State of New York:

The Board herewith respectfully returns Assembly bill (Executive No. 48) entitled "An act to amend the Railroad Law relating to receipts for freight," and reports as follows:

This bill amends the Railroad Law by adding thereto a new section to be known as section 80. The effect of the bill is to compel every steam railroad, upon the request of a consignor, to cause one of its agents or employes to be present during the loading of each and every of its freight cars, whether by carload or otherwise, and to keep an accurate account of the number of packages or parcels placed in such car, and on demand deliver to the consignor of such freight a receipt specifying the number of packages or parcels so received, from whom received and to whom consigned, and making it liable to a penalty of \$25 for failure to comply with these provisions.

It would seem that this is unnecessary and unjust. Such a requirement would entail unnecessary expense on the railroad companies and afford the shipper no greater protection than he now has.

Railroad companies are responsible as common carriers for goods received by them, and any loss incurred by the shipper through the negligence of the company or its employes can be sued for and a recovery had in the courts.

By the Board.

X.

**RELATIVE TO AN ACT PERMITTING ONE STREET SURFACE RAILROAD
TO USE THE TRACKS OF AN EXISTING STREET SURFACE RAILROAD IN A
PARTICULAR STREET FOR A DISTANCE OF NOT EXCEEDING 1,500 FEET.**

May 7, 1894.

To the Governor of the State of New York:

The Board herewith respectfully returns Assembly bill (Executive No. 494) entitled "An act to amend the Railroad Law relating to construction of road in street where other road is built."

This bill amends section 102 of the Railroad Law in one respect, viz.: In cities of less than 35,000 inhabitants, except Long Island City, it permits one street railroad to use the tracks of an existing street railroad in a particular street for a distance of not exceeding 1,500 feet, instead of 1,000 as heretofore permitted under section 102, under the same conditions and restrictions as imposed by the original section.

The Board sees no objection to this legislation, which is probably in the interest of some particular road; though in effect a species of special legislation, it is in itself harmless.

By the Board

XI.

**RELATIVE TO AN ACT EXTENDING THE TIME FOR THE COMPLETION OF
THE "HUDSON TUNNEL RAILWAY."**

May 7, 1894.

To the Governor of the State of New York:

The Board herewith respectfully returns Senate bill (Executive No. 440) entitled "An act to extend the time for the completion of the Hudson Tunnel railway," and reports as follows:

The effect of this bill is to confer upon this company four years' additional time within which to complete its tunnel and railway. This company was formed for the purpose of constructing tunnels between New York and Jersey City and the operation of railroads therein by the consolidation of the Hudson Tunnel Railroad Company and the Hudson Tunnel Railway Company, and the articles of association filed in the office of the Secretary of State, March 30, 1881. The companies were organized and such consolidation effected under the general railroad laws of New Jersey and the general railroad act of 1850 of New York, and particularly under chapter 582 of the Laws of 1880.

The last report of this company to this Board was made for the year ending September 30, 1884. This report shows that its authorized capital stock is \$10,000,000; stock subscribed, \$1,261,800; stock paid in, \$1,309,300; funded debt, \$1,000,000. A mortgage was executed to the Central Trust Company of New York, dated April 1, 1881, to secure the payment of its bonds to the amount of \$10,000,000, payable April 1, 1911. As appears by this report, \$1,000,000 of these bonds have been delivered to the contractor during the work, most of

which is in the State of New Jersey. The Board is informed, though not officially, that a considerable amount of work has been done upon this tunnel since the filing of the last report in 1884.

In view of the large amount expended and the extent of the work done, it would appear that this extension is a proper one to grant.

By the Board.

XII.

RELATIVE TO AN ACT EXTENDING THE TIME FOR THE COMPLETION OF THE HUDSON, SUSPENSION BRIDGE AND NEW ENGLAND RAILWAY.

May 8, 1894.

To the Governor of the State of New York:

The Board respectfully returns Senate bill (Executive No. 224) entitled "An act to amend chapter 277 of the Laws of 1889, entitled 'An act to amend chapter 420 of the Laws of 1880, entitled 'An act to amend chapter 123 of the Laws of 1874, entitled 'An act to amend the charter of the Hudson, Suspension Bridge and New England Railway Company.'"

This bill is similar to chapter 277 of the Laws of 1889, which it purports to amend. At the time of the passage of the act of 1889, this Board made a report to the Governor, which appears upon page 15 of volume 1 of the report of the Railroad Commissioners for 1889.

This corporation was organized by a special act of the Legislature in 1868, being chapter 332. It has since procured special legislation in 1870, in 1873, in 1874, in 1875, in 1880, and finally in 1889. This special legislation is set out in detail in the report of the Board already referred to. All of this legislation confers favors or privileges upon the company, and much of it extended the time for constructing and completing the road. This present bill is of the same description, as it extends the time for completing the bridge and its appurtenances and of "the railroads or railways and avenues of approach thereto, and comply with the conditions of the act of incorporation of said company, and of the amendments to said act" to the fourth day of July, 1905.

The act of 1889 was passed, as stated in the report of this Board to the Governor on that bill, to enable the company to have additional time to secure capital in England. The last report to this Board of this company was filed for the year ending June 30, 1893. This report shows the issue of \$1,750,000 of stock for engineering, construction, purchase of right of way and legal expenses, and a debt of about \$1,300,000; that there has been no election of directors during the last year and such as have not resigned of the officers, hold over. This report is signed by Edward W. Serrell, president, and Edward W. Serrell, chief engineer. The report states that owing to the failure of the negotiations in Europe for the sale of the stock and bonds of the company, the interest on the bonds were unpaid, and in April, 1892, a receiver was appointed.

The bill has a slight clerical error, as it refers to chapter 123 of the Laws of 1874 as having been passed May 9, 1870. It would seem that a large amount has been expended and considerable work performed.

By the Board.

COMPLAINTS

OF

CITIES, TOWNS, ASSOCIATIONS, INDIVIDUALS, ETC.

I.

**IN THE MATTER OF THE COMPLAINT OF THE VILLAGE OF LITTLE FALLS
v. THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD
COMPANY.**

April 25, 1893.

This complaint, which was pending at the time of the publication of the last annual report (see page 193, Report of 1893), alleged dangerous crossings at Second avenue, Sixth and Lock streets, in the village of Little Falls.

On March 14, 1894, at a public hearing in New York city, where the village of Little Falls was represented by J. D. Beckwith, Esq., and several citizens, and the railroad company by its president, the Hon. Chauncey M. Depew, Vice-President Walter H. Webb and General Manager J. N. Toucey, the matter was adjusted by an agreement between the parties in interest resulting in the transfer of the freight-house in the village of Little Falls to a more convenient locality, and the lessening of danger at the crossings referred to.

By the Board.

II.

**IN THE MATTER OF THE COMPLAINT OF J. S. SHERMAN v. THE UTICA
BELT LINE RAILROAD COMPANY.**

September 7, 1893.

A communication from J. S. Sherman was filed with the Board on August 1, 1893, complaining of discrimination in the matter of charge for transportation tickets on the New Hartford line of the Utica Belt Line railroad. The complaint set forth that the fare for the entire distance allowed by law was ten cents; that the company had sold fifteen tickets for one dollar, but had changed its rates allowing only

Island. Also against the practice of the company in making flying switches. The company replied that the curve was not dangerous; that the cause of the recent accident at the point named was a wrong switch and not the curve, and that flying switches have been made at their terminal station without accident since 1860 and are necessary there on account of the terminal arrangements. The company also stated that the Tottenville crossing and the line of the road in that locality would be improved in the near future. No further action was taken in the matter of this complaint.

By the Board.

IX.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF FULLER'S STATION AND GUILDERLAND CENTRE v. THE WEST SHORE RAILROAD COMPANY.

December 28, 1893.

On December 1, 1893, complaint was received from residents of Fuller's Station and Guilderland Centre on the line of the West Shore railroad, in the county of Albany, alleging insufficient train service.

On December thirteenth, the general manager of the company replied to the complaint, stating that a new time-table was being prepared which would provide for a service entirely satisfactory to the complainants.

On December twenty-third the complainants informed the Board that such satisfactory service was being rendered, and further proceedings in the matter were thereupon discontinued.

By the Board.

X.

IN THE MATTER OF THE COMPLAINT OF CHARLES S. MAY & CO. AND OTHERS v. THE SCHOHARIE VALLEY RAILROAD COMPANY.

January 8, 1894.

The complaint in this matter was filed with the Board August 18, 1893, and alleged that the freight rate on hops on the Schoharie Valley railroad, viz., six cents per hundred, was excessive. The answer of the company, filed August 28, 1893, admits that the rate is six cents per hundred, but denies the allegation as to its being excessive. On October 2, 1893, the complainant appeared by Charles S. May, and the company by James Mayham, counsel, and C. P. Vroman, its superintendent; the complainant offered no evidence, and the counsel for the company submitted on behalf of the same the affidavit of Cornelius P. Vroman, dated September, 1893, and the certificate of J. W. Taylor & Son and Earine Borst, dated September, 1893. After hearing Charles S. May, for said complainants, and James Mayham, opposed

and after a careful consideration of the evidence submitted and statement of the financial condition of the company, made by the accountant to the Board, we are of the opinion that the rate charged is not excessive, and it is, therefore,

Ordered, that said complaint be and hereby is dismissed.

By the Board.

XI.

IN THE MATTER OF THE COMPLAINT OF W. P. ERVINS v. THE WEST SHORE RAILROAD COMPANY.

January 16, 1894.

On January 12, 1894, a communication was transmitted to the Board by Mr. Ervins, alleging that on the morning of December 25, 1893, his milk wagon was struck and destroyed by a West Shore light engine running at a high rate of speed while crossing an unguarded grade-crossing in the village of Weedsport. Mr. Ervins was notified that his remedy for damages was through the courts.

By the Board.

XII.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF NEW CITY AND VICINITY v. THE NEW JERSEY AND NEW YORK RAILROAD COMPANY.

January 16, 1894.

On December 7, 1893, complaint was filed against the New Jersey and New York Railroad Company, alleging insufficient train service at New City. After correspondence, a hearing was fixed for January sixteenth at Albany, when the road was represented by J. D. Hasbrouck, general manager, who demonstrated that as good service was being rendered as was warranted by the traffic, and there being no appearance on the part of the complainant, the complaint was dismissed.

By the Board.

XIII.

IN THE MATTER OF THE COMPLAINT OF L. H. PALMER v. THE FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY.

January 23, 1894.

On January 10, 1894, L. H. Palmer petitioned this Board asking that the Fonda, Johnstown and Gloversville Railroad Company be compelled to furnish switching facilities to enable him to start a coal yard.

On January twenty-second the company replied that the only point in its yard at which a coal business could be maintained had already been leased to another person and that it could not accommodate Mr.

Palmer without putting another switch in the main line, which the inspector of this Board had cautioned the company not to do.

This answer was transmitted to the complainant, and the Board not hearing from him, the complaint was dismissed.

By the Board.

XIV.

IN THE MATTER OF THE COMPLAINT OF POST & SCHWAB v. THE ATTICA AND FREEDOM RAILROAD COMPANY.

January 30, 1894.

On January 25, 1894, Messrs. Post & Schwab, produce commission dealers of North Java, Wyoming county, complained of the sudden and unannounced stoppage of the Attica and Freedom railroad.

On January twenty-ninth, reply to the complaint was received from R. B. Ferris, president of the company, in which he stated that the road had been operated at a loss; the business of the district through which it runs was not sufficient to meet expenses and taxes, and that the superintendent had been directed to operate the road whenever he could secure freight enough to pay the expense of running trains.

The operation of the road has been suspended.

By the Board.

XV.

IN THE MATTER OF THE COMPLAINT OF THE STANDARD BUTTER COMPANY v. THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

February 9, 1894.

On December 23, 1893, the Standard Butter Company complained against the Delaware, Lackawanna and Western Railroad Company, alleging discrimination in the matter of charges for milk shipments.

On January 8, 1894, a reply was received to the complaint, from the company, stating that the cause of the complaint had been removed.

No further action was taken by the Board.

By the Board.

XVI.

WILLIAM N. DEAN v. THE ROME, WATERTOWN AND OGDENSBURG RAILROAD COMPANY.

February 20, 1894.

On January 17, 1894, William N. Dean of Carlton Station complained against the use of barbed wire fence by the railroad company along his property.

On January thirty-first, the company answered, stating that it had never heard of any protest by Mr. Dean regarding the barbed wire

fence, and that Mr. Dean had said he had no objection to the barbed wire fence remaining for a limited time until smooth wire could be substituted in its place.

No further action has been taken in the matter of this complaint.
By the Board.

XVII.

IN THE MATTER OF THE COMPLAINT OF G. W. CHANDLER AND OTHERS OF NORWOOD v. THE OGDENSBURGH AND LAKE CHAMPLAIN RAILROAD COMPANY.

February 21, 1894.

The complainants in this case alleged a dangerous crossing across the main thoroughfare of the village of Norwood, and claimed that all the switching of the company was done on this crossing.

The company answered that it had constructed recently three miles of turnouts, spurs and sidings near the village, on which at least nine-tenths of all its switching was now done; it denied that the crossing was dangerous or was frequently obstructed with trains of cars, or that any person had been killed at the crossing since 1885.

A hearing was had before the Board on November 14, 1893, and an adjournment was taken to permit of an amicable adjustment of the matter in dispute.

The company subsequently agreed to maintain a flagman at the point in question, and the matter was indefinitely postponed pending a trial of the above arrangement.

By the Board.

XVIII.

THEODORE W. STARBUCK AND OTHERS v. THE BROOKLYN, BATH AND WEST END RAILROAD COMPANY.

February 23, 1894.

On January 22, 1894, complaint was received from Mr. Starbuck against the Brooklyn, Bath and West End Railroad Company, alleging insufficient protection at dangerous grade crossings at Blythebourne, L. I., at the junction of New Utrecht avenue and Cowenhoven's lane, and inadequate protection in the matter of safety life-guards on cars.

This complaint was subsequently supplemented by communications from the New Utrecht Democratic Club and the officers of the West Brooklyn Association.

A hearing was had on February twenty-third at Blythebourne, when, after an inspection of the alleged dangerous crossing, and the testimony of residents of the locality and the officers of the road having been taken, it was agreed to discontinue proceedings upon the officers of the company promising to have all cars come to a full stop

before crossing Cowenhoven's lane. The company also promised to see that its cars were protected with proper life-guards.

On May twenty-fourth James E. Dubois of Blythebourne complained against the Brooklyn, Bath and West End Railroad Company, alleging that it was not keeping its agreement relative to stopping cars at Cowenhoven's lane crossing, as given above. On May twenty-sixth the company answered, through its president, Benjamin Norton, that so far as he knew, the arrangements heretofore made relative to Cowenhoven's lane crossing were being carried out, and that he would give the complaint immediate attention and issue the necessary orders to have the agreement complied with.

By the Board.

XIX.

IN THE MATTER OF THE COMPLAINT OF ISAAC G. SANDS v. THE PHILADELPHIA, READING AND NEW ENGLAND RAILROAD COMPANY.

February 26, 1894.

On January 20, 1894, Isaac G. Sands, of Stanfordville, N. Y., complained against the Philadelphia, Reading and New England Railroad Company, alleging improper condition of fences, and dangerous crossing under a bridge on his farm. On February sixteenth the company answered that the proper officer had been instructed to examine into the matter, that the crossing would be widened and otherwise improved and that Mr. Sands' cause for complaint would be removed. On February twenty-sixth Mr. Sands, replying to the answer of the company, said if the repairs were made as contemplated it would be satisfactory. Nothing further having been heard from Mr. Sands the case was ordered closed.

By the Board.

XX.

IN THE MATTER OF THE COMPLAINT OF JOSEPH P. HIGGINS v. THE BROOKLYN AND BRIGHTON BEACH RAILROAD COMPANY.

February 27, 1894.

On September 12, 1893, Joseph P. Higgins protested to this Board by letter against the removal of the flagman from Avenue C, in Flatbush, on the line of the Brooklyn and Brighton Beach railroad.

On September nineteenth the company replied, through its president, James Jourdan, stating that the flagman was removed on September fifth, because his services were no longer required at Avenue C, Flatbush, which is simply a country road and seldom used.

An examination of the locality was made by the inspector of the Board, who reported that a flagman was unnecessary at the point named during the winter; whereupon the complaint was dismissed.

By the Board.

XXI.

IN THE MATTER OF THE COMPLAINT OF F. FRIEDLEBEN v. THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, LESSEE OF THE NEW YORK AND HARLEM RAILROAD.

March 2, 1894

On October 23, 1893, Mr. Friedleben, by letter, complained against the character of the station maintained by the New York Central and Hudson River Railroad Company, at Washingtonville, on the line of the Harlem railroad.

Mr. Webb, third vice-president of the company, replied that steps would be taken to place a small station at Washingtonville, with as little delay as possible.

By the Board.

XXII.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF THE TOWN OF CHESTERFIELD, ESSEX COUNTY, v. THE DELAWARE AND HUDSON CANAL COMPANY.

March 2, 1894.

A numerous signed petition from the residents of the town of Chesterfield, Essex county, was presented to the Board on August twenty-third, requesting the Board to cause a passenger and freight station to be located at Douglass by the Delaware and Hudson Canal Company on the line of the New York and Canada railroad, in the town of Chesterfield.

The complaint was transmitted to the company and an answer received from Vice-President H. G. Young on September seventh, in which he stated that no station had been erected at that point owing to the fact that the business does not warrant it. Considerable correspondence was had in relation to the matter, and an inspection was made of the premises by the inspector of the Board, in which he reported that the residents of the vicinity of Douglass would be willing to erect a freight-house if the company would lay a short spur of track alongside the building, the residents to donate land for that purpose.

On February sixteenth, Mr. Young replied that the company would, substantially carry out the recommendations of the inspector, and would enter into an agreement with the residents of the locality, and provide for the stoppage of a certain number of passenger trains each way at the point named. Proceedings in the matter of the complaint were thereupon discontinued.

By the Board.

XXIII.

**IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF ALBANY v.
THE DELAWARE AND HUDSON CANAL COMPANY.**

March 23, 1894.

Complaint was made on March 8, 1894, by A. Picard and others, alleging the removal of flagmen from dangerous crossings in the city of Albany.

Upon notification of the complaint the company replied that the flagmen would be forthwith restored.

By the Board.

XXIV.

**IN THE MATTER OF THE COMPLAINT OF C. W. STAPLETON v. THE
NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, ALLEG-
ING INSUFFICIENT STATION ACCOMMODATIONS AT RANDALLSVILLE.**

March 28, 1894.

On reading and filing the complaint of C. W. Stapleton dated February 25, 1894, alleging inadequate accommodations at the passenger station at Randallsville, N. Y., on the line of the said road, the report of the inspector of the Board dated March twenty-fourth, the papers submitted on behalf of the railroad company, and after due consideration of the evidence taken at the hearing had herein, a transcript whereof is duly filed in this office; and after hearing C. W. Stapleton on behalf of the said complainant, no one appearing in opposition thereto; and it appearing that the allegations of said complaint are well founded,

The Board recommends that the New York, Ontario and Western Railway Company alter and repair its passenger station at Randallville so as to afford adequate accommodations for the traveling public and that separate closets be furnished for men and women within thirty days from the date hereof; that upon failure so to do the secretary is directed to transmit the proceedings taken herein and all papers relating thereto to the Attorney-General, with the request that he institute proceedings to enforce this recommendation.

The above order was promptly complied with by the company.

By the Board.

XXV.

**IN THE MATTER OF THE COMPLAINT OF MESSRS. RICHMOND & JAMES
v THE FITCHBURG RAILROAD COMPANY, RELATIVE TO INSUFFI-
CIENT AND DANGEROUS STATION ACCOMMODATIONS AT HOOSICK.**

April 12, 1894.

On January 22, 1894, Messrs. Richmond & James, of Hoosick, complained to the Board of Railroad Commissioners relative to the insufficient and dangerous passenger and freight accommodations at the village of Hoosick on the line of the Fitchburg railroad.

On January twenty-ninth an answer was made by the company to the aforesaid complaint, in which it was stated that the company had under consideration the matter of passenger and freight stations at Hoosick and would take some action in regard thereto as soon as practicable.

This answer not being satisfactory to the complainants, a public hearing was had before the Board at its office in Albany on March seventh, at which appeared in behalf of the complainants LeGrand B. Tibbitts, W. F. Babcock and others, and in behalf of the company J. H. Morris and M. P. Snyder.

An adjournment was had to March nineteenth, A. H. Hawk, E. A. Richmond and M. W. Gower appearing for the complainants, and T. J. Hamilton, M. P. Snyder and A. J. Cheever for the company.

As a result of this hearing, the inspector of the Board was ordered to make an examination of the locality and report what remedy, in his judgment, should be applied. Under date of April second, the inspector reported as follows:

"The present accommodations of the temporary station and freight-house at Hoosick are not good. A freight car is utilized as a freight-house, and the southerly end of Mr. Sherwood's storehouse, about 300 feet south of the highway grade crossing, has been partitioned off and is used as a waiting-room. This room is substantially ten by fourteen feet in extent. The sittings are not sufficient or comfortable. The room is poorly ventilated and not properly cared for. The old station, some 300 feet northerly from the highway, was burned some two or three years ago. It was near the eastbound track and not wisely located owing to the sharp curve at this point and its distance from the westbound track and the highway. The railroad officials have been somewhat perplexed in deciding upon the best location to meet all the requirements; your inspector was informed of this fact during the last regular inspection in 1893. If the new station were located upon the company's land, near Mr. Sherwood's office, it would not seem advantageous as regards safety or accommodations to the patrons of the road, as nearly nine-tenths of the passengers from this point are westbound and the sharp curve immediately north would obstruct the line of vision materially, so that through eastbound trains would barely be observed in time to prevent accident. The village being entirely upon the east side of the railroad presents another vital objection to this plan. The above objections would also seem to hold true should the southwest corner of the highway and railroad enter into consideration, beside the necessity of obtaining private land. The present temporary location, considering the position of the tracks and that one man is obliged to attend both the passenger and freight departments (which will probably be the case for years to come), is perhaps the handiest from a railroad business standpoint, but the danger to life and property and lack of hauling conveniences in passage to and from the highway are very great and should, it would seem, be lessened. A passenger and freight station combined, located upon either the northeast or southeast corner of the highway and railroad would greatly lessen the chance of danger and accident to patrons, accommodate the greatest number of passengers (being on the village or westbound side), greatly facilitate hauling and handling freight to and from the village, and necessitate

but little, if any, modification in the layout of tracks. The southeast corner would seem to be most preferable, when the church, value of land, highway crossing and position of existing tracks are considered. The land necessary to be taken for station purposes upon the southeast corner need not be great. The company now own nearly twenty feet from the track to the fence line and their land increases in width going south; an ordinary village lot in extent would be ample to purchase or obtain by process of law, and your inspector would suggest that steps be taken without delay by the railroad company looking toward the erection of a modern combined passenger and freight station upon the southeast corner as referred to above."

This report was considered at a meeting of the Board held on the eleventh of April at its office in Albany, at which the report of the inspector was adopted, and the Board recommends that the Fitchburg Railroad Company erect and maintain an adequate passenger and freight station at Hoosick, in accordance with the suggestions of the inspector, and in case said company refuses or neglects to comply with the terms of this order with reasonable diligence, such proceedings thereon as may be necessary for the enforcement of these recommendations and the protection of the public interests will be taken under the provisions of section 160 of the Railroad Law.

The company subsequently, in a communication signed by its president, stated that it was desired to bring the east and westbound tracks together and build a new station on land now owned by the company. The president also stated that if plans to the above effect, which would be submitted, were not satisfactory, the above order would be carried out. Pending the submission of plans of the proposed change the enforcement of the order has been suspended.

By the Board.

XXVI.

IN THE MATTER OF THE COMPLAINT OF G. M. TREMAIN v. THE LAKE SHORE AND MICHIGAN SOUTHERN RAILROAD COMPANY.

April 20, 1894.

On March twenty-seventh G. M. Tremain of Brocton, N. Y., entered complaint against the Lake Shore and Michigan Southern Railroad Company, alleging unsafe condition of a culvert at Brocton. On March thirty-first, the company answered that an investigation of the culvert would be made, and on April twenty-first, a further communication was received, stating that the arch over the roadway near Brocton, complained of by Mr. Tremain, was found to be in good, safe condition and although some of the stones were cracked they were not loose; that the arch had been pointed up with Portland cement a short time before; that the master mason of the road stated that the arch was in good condition and that there was no settlement anywhere. The answer of the company was forwarded to Mr. Tremain, and nothing further being heard from him the complaint was dismissed.

By the Board.

XXVII.

IN THE MATTER OF THE PETITION OF E. W. PENNEY AND OTHERS
v. THE LONG ISLAND RAILROAD COMPANY.

April 23, 1894.

E. W. Penney, George W. Tuthill and others petitioned this Board on or about February 19, 1894, to direct the Long Island Railroad Company to build and maintain a bridge at the intersection of a certain highway in the village of Eastport, Suffolk county, with said railroad.

Reply to the petition was made by Austin Corbin, president of the Long Island Railroad Company, on February twenty-seventh, in which it was stated that, with reasonable care on the part of persons using the highway, the crossing was not a dangerous one, and that there was no necessity for the construction of a bridge at the present time.

A hearing was had before the Board at the City Hall in Brooklyn on March twenty-eighth, at which E. W. Penney appeared for the petitioners and W. J. Kelly for the railroad company. An examination of the locality and a report was subsequently made by the inspector of the Board. The complainants, though requested by the Board to furnish affidavits as to the extent of the traffic crossing the railroad at that point, failed to comply with the Board's request.

From a full consideration of the testimony taken at the hearing and of the report of the inspector, the Board is of the opinion that an overhead crossing is not necessary at this point, and it is, therefore,

Ordered that the petition be denied.

By the Board.

XXVIII.

IN THE MATTER OF THE COMPLAINT OF JAMES H. NICKERSON AND
DEVILLO C. CHURCH v. THE DELAWARE AND HUDSON CANAL
COMPANY.

April 24, 1894.

On or about August 30, 1893, complaint was made to this Board by James H. Nickerson and DeVillo C. Church against the Delaware and Hudson Canal Company, alleging discrimination against them in the matter of freight charges for carrying milk.

Upon notification of the complaint the company replied that the alleged discrimination would be stopped in the future by affording Messrs. Nickerson and Church the same facilities and at the same terms as were given any other shippers of milk upon their line.

A hearing was had in the matter at Binghamton on the 24th of April, 1894, at which it appeared, from the testimony of the representatives of the railroad company and of the complainants, that the cause of complaint had been removed, and further proceedings were thereupon ordered discontinued.

By the Board.

XXIX.

IN THE MATTER OF THE COMPLAINT OF URI HARPER v. THE NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

May 11, 1894.

This complaint alleged by affidavit that the fences along the line of the complainant's land in the town of Union, Broome county, were not properly maintained by the company.

The company replied that repairs would be made as soon as possible in the spring.

On May 7, 1894, further communication was received from Mr. Harper stating that the road had not complied with its promise, and on May eleventh, in answering Mr. Harper's second complaint, a communication was received from the company informing the Board that the fences had been repaired.

By the Board.

XXX.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS OF ALBANY v. THE DELAWARE AND HUDSON CANAL COMPANY.

May 16, 1894.

On April 14, 1894, complaint was received from residents of Albany, alleging the obstruction of Erie street by using that part of the street over which the tracks of the Delaware and Hudson Canal Company cross for switching purposes, thereby frequently blocking the street from seven to fifteen minutes at a time, especially at the noon hour.

The company answered that instructions had been given immediately upon the receipt of the complaint, which would put a stop to the nuisance complained of.

By the Board.

XXXI.

IN THE MATTER OF THE COMPLAINT OF P. HENDRICKS v. THE LIMA AND HONEOYE FALLS RAILROAD COMPANY.

May 28, 1894.

On May 21, 1894, P. Hendricks, chairman of the street committee of the village of Lima, entered complaint against the Lima and Honeoye Falls Railroad Company, alleging that the company was not complying with its agreement relative to the supervision of its work in the construction of its road. The company denied the allegation, and a communication was subsequently received from the chairman of the board of trustees of the village of Lima stating that the claim had been made under a misapprehension and that the road was complying with its agreement with the village, and the complaint was thereupon dismissed.

By the Board.

XXXII.

IN THE MATTER OF THE COMPLAINT OF JOHN K. HAMMOND v. THE SILVER LAKE RAILWAY COMPANY.

June 6, 1894.

On May 27, 1894, John K. Hammond, giving his address as Perry N. Y., complained against the condition of the roadbed of the Silver Lake Railway Company, running from Perry to Silver Lake. All efforts to locate Mr. Hammond and obtain further information from him failing, an inspection of the road was ordered and was made on May thirty-first and June first. The report of the inspector showed the road to be in very bad condition and the recommendations of the inspector were adopted as the recommendations of the Board. The company was notified that in default of prompt compliance with the directions of the Board, an order would be made restricting the speed of trains upon the road to six or eight miles an hour until such time as the road is placed in good condition. The road was subsequently repaired and no further complaints have been received regarding it.

By the Board.

XXXIII.

IN THE MATTER OF THE COMPLAINT OF C. E. SLITER v. THE NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

June 12, 1894.

On May 21, 1894, C. E. Sliter, of Union, made complaint against the New York, Lake Erie and Western Railroad Company, alleging that it was not maintaining the fences separating his property from the railroad in a proper manner. On June fifth, Mr. Thomas, representing the railroad, answered that instructions had been issued to renew the fences at once, and on June twelfth Mr. Sliter wrote that repairs had been satisfactorily made.

By the Board.

XXXIV.

IN THE MATTER OF THE COMPLAINT OF JAMES B. FRED v. THE NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

June 14, 1894.

On May 17, 1894, a letter was received from James B. Fred, complain against the station at Goshen, alleging that emigrant passengers arriving there for transfer to other points, holding through tickets, are put out of the waiting-room at 10:30 p. m. and they have to go to the police station or walk the streets as the waiting-room is then closed up and not reopened until 5:52. Mr. E. B. Thomas, representing the road, answered that they had been unable to find any evidence to sustain the

complaint of Mr. Fred, and that the business of the road did not in any way call for the use of the station during the night, and that it was not the desire of the road to permit the station to be used as a lodging-house by any passenger, nor could the road be expected to furnish such facilities. Ineffectual efforts were subsequently made to locate Mr. Fred, and it appearing that he was not a resident of Goshen, and that the complaint was not well founded, it was ordered dismissed.

By the Board.

XXXV.

IN THE MATTER OF THE COMPLAINT OF C. B. McNAIR v. THE
DANSVILLE AND MT. MORRIS RAILROAD COMPANY.

June 14, 1894.

On May 19, 1894, C. B. McNair, of Mount Morris, complained that the fences between his property and that of the Dansville and Mount Morris Railroad Company were not in proper condition. On June fifth the company answered that the complaint would receive immediate attention, and on June fourteenth Mr. McNair communicated the fact that the fences had been in part repaired. The complainant was advised to communicate further with the railroad officials regarding additional repairs, and further proceedings under the complaint were suspended, since which time no further communication has been received upon the subject.

By the Board.

XXXVI.

IN THE MATTER OF THE COMPLAINT OF J. W. JENKINS AND OTHERS
v. THE WEST SHORE RAILROAD COMPANY.

June 23, 1894.

On May twenty-second J. W. Jenkins and others, of the town of Vernon, complained that the residents of that town were not receiving proper accommodations in the matter of passenger train service. Mr. J. D. Layng, general manager of the West Shore railroad, replied that arrangements would be immediately made to provide the residents of Vernon with the train service desired. Subsequently a letter was received from Mr. Jenkins informing the Board of the acceptance by the petitioners of the accommodations promised by the railroad company.

By the Board.

XXXVII.

IN THE MATTER OF THE COMPLAINT OF CHARLES B. ROGERS v. THE
WEST SHORE RAILROAD COMPANY.

[June 25, 1894.]

On June 16, 1894, Charles B. Rogers, of Utica, complained against the West Shore Railroad Company, alleging a dangerous crossing at Rutgers street. On June twenty-third, J. D. Layng, general manager

of the West Shore road, answered, stating that he had given instructions to place a flagman at the crossing, and also to erect gates, as requested by Mr. Rogers. On June twenty-fifth Mr. Rogers stated by letter that the promise contained in Mr. Layng's communication was thoroughly satisfactory, and the case was ordered closed.

By the Board.

XXXVIII.

IN THE MATTER OF THE COMPLAINT OF B. W. ROSCOE AND PERRY,
CANDEE AND COMPANY v. THE WEST SHORE AND NEW YORK,
ONTARIO AND WESTERN RAILROAD COMPANIES.

June 26, 1894.

On April 3, 1894, B. W. Roscoe and Perry, Candee and Company, of Syracuse, N. Y., complained against the West Shore and New York, Ontario and Western railroad companies, alleging discrimination in rates on fruit and perishable goods as between Utica and Syracuse. On June ninth Mr. J. D. Layng, general manager of the West Shore road, answered, stating that there had been some foundation for the complaint that the rates of freight from New York to Syracuse were higher proportionately than the rates from New York to Utica, but that the latter were adjusted in the latter part of May and taking effect June first, the rates from New York to Utica had been placed upon a basis that did not in any way discriminate in favor of Utica merchants as against those of Syracuse. Mr. Layng also stated that the alleged discrimination was brought about by what was considered undue reduction of rates by a competitive road, meaning the New York, Ontario and Western, and that he had after many months succeeded in getting a readjustment and a restoration of rates to a fair basis as between the two cities. Considerable correspondence was had on the subject between the Board and the freight departments of the New York Central and Hudson River Railroad Company, the West Shore railroad and the New York, Ontario and Western Railway Company, and a hearing was subsequently had before the Board at the Murray Hill Hotel, New York city, on Thursday, June twenty-eighth, at which appeared all the parties in interest.

After a full discussion of the matter, it was decided that the cause of complaint having been removed there was nothing the Board could do in the premises, and that any claim for excessive charges paid before the readjustment of rates should first be submitted to the trunk line commissioner for adjudication, and that in the event of failure to obtain redress the matter might again be brought to the attention of the Board.

By the Board.

XXXIX.

IN THE MATTER OF THE COMPLAINT OF MARKS MAGLEY v. THE PHILADELPHIA, READING AND NEW ENGLAND RAILROAD COMPANY.

June 26, 1894.

On June 8, 1894, Marks Magley, of Copake, Columbia county, complained that the fence separating his farm from the railroad had been destroyed and should be replaced. On June twenty-fifth Mr. J. K. O. Sherwood, receiver of the road, replied that the fence complained against would be repaired at once. No further communication having been received from Mr. Magley, it is assumed that the promise of the road has been fulfilled.

By the Board.

XL.

IN THE MATTER OF THE COMPLAINT OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ONEIDA v. THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AND THE NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY.

June 28, 1894.

On April 14, 1894, H. W. Cooley, village attorney, representing the president and board of trustees of the village of Oneida, complained to the Board relative to the condition of the crossing of the New York Central and Hudson River Railroad Company and of the New York, Ontario and Western Railway Company on Lake street in said village. After some correspondence the inspector of the Board was ordered to examine the locality, and on April twenty-seventh he submitted a comprehensive report and map showing that the Lake street crossing was a dangerous one, for the reason that the grade to the crossing was several feet on both sides of the track, and that the New York, Ontario and Western company's tracks, where it parallels the tracks of the New York Central and Hudson River Railroad Company, is depressed some two feet below the Central's tracks. The inspector also stated that an underground crossing was feasible and could be constructed at a moderate cost. On May twenty-eighth a hearing was had before the Board, at which was present a representative of the New York Central and Hudson River Railroad Company and the attorney for the board of trustees of the village of Oneida. The attorney stated that if an underground crossing could be constructed the village would pay all of the expense of the excavation up to the railroad property. The representative of the railroad company conceded the necessity of doing something, but claimed that in view of the financial conditions the company would hardly be warranted in assuming an extraordinary expense at that time. The Board suggested that an amicable arrangement be entered to, if possible, by which the tracks of the Central company and the track of the New York, Ontario and Western company would be brought nearer to grade, and the descent from the tracks on either

side lessened as far as possible. It was arranged that the engineer of the company should make an inspection of the premises and endeavor to agree with the village authorities as to the extent of the improvement. On June twenty-eighth a letter was received from Mr. Cooley stating that the general manager of the Central company had agreed to fix the Lake street crossing in accordance with the suggestion of the Board, and the hearing, which had been adjourned to July second, was, therefore, abandoned and the case ordered closed.

By the Board.

XII.

IN THE MATTER OF THE COMPLAINT OF HENRY F. AND EDWARD C. INDERLIED v. THE NEW YORK, ONTARIO AND WESTERN RAILROAD COMPANY.

July 5, 1898.

On March 29, 1893, complaint was filed with this Board by Henry F. and Edward C. Inderlied, composing the firm of the Inderlied Chemical and Stone Company, located at Rock Rift, Delaware county, alleging that the firm was engaged in the manufacture of wood chemicals, acetate of lime and wood alcohol, and also in the business of quarrying bluestone; that the said railroad company was discriminating in the matter of freight charges to the city of New York in favor of shippers from Utica.

On April twenty-fifth the New York, Ontario and Western Railway Company replied, denying the alleged discrimination, and alleging that this Board had no jurisdiction in the premises, because the freight mentioned in the complaint was interstate commerce, necessarily passing over the railroad of the defendant through both the States of New York and New Jersey.

A hearing was had before the Board on July fifth, at which M. Curtis Marvin appeared in behalf of the complainants. An indefinite adjournment was had for further argument upon the question of the demurrer raised by the company, but the opinion being entertained that the complaint was a matter for the consideration of the Interstate Commerce Commission rather than by the Board of Railroad Commissioners of the State of New York, no further action has been taken.

By the Board.

XLII.

IN THE MATTER OF THE COMPLAINT OF THE LONG ISLAND RAILROAD COMPANY v. THE CONEY ISLAND AND BROOKLYN RAILROAD COMPANY.

July. 11, 1894.

On June twenty-ninth, the Long Island Railroad Company, through its attorney, William J. Kelly, complained to the Board that the trolley cars in operation on what is known as the Old Coney Island road, running from Bay Ridge to Manhattan Beach, repeatedly ran

down their signals placed on their track by Long Island road flagmen, and that unless the signals are obeyed serious accident is likely to result.

H. W. Slocum, president of the Coney Island and Brooklyn Railroad Company, replied that the motormen have strict orders to come to a full stop at arriving at the crossing referred to in Mr. Kelly's communication, and that if they have done as Mr. Kelly says, they have violated the rules of the company and imperiled the lives of passengers. Mr. Slocum promised to see that the rules of his company were strictly enforced in the future, and no further complaint having been received, it is assumed this is being done.

By the Board.

XLIII.

IN THE MATTER OF THE COMPLAINT OF WILMER H. DUNN V. THE DELAWARE AND HUDSON CANAL COMPANY AND THE CENTRAL VERMONT RAILROAD COMPANY.

August 1, 1894.

On July third Wilmer H. Dunn, of Champlain, Clinton county, N. Y., complained to the Board against the Delaware and Hudson Canal Company and the Central Vermont Railroad Company, alleging that the connections at Rouse's Point between the trains of these companies did not accommodate the residents of Clinton county along the line of the Central Vermont road desiring to go to the county seat at Plattsburgh or to points south of Rouse's Point. An investigation was made by order of the Board, from which it appeared that the early morning train on the Central Vermont road reaches Rouses Point a half an hour too late to connect with the Delaware and Hudson train stopping at the small stations south, and that the train following over the Delaware and Hudson road leaves Rouse's Point at 11:40, stopping only at Plattsburgh, Whitehall, Fort Edward, Saratoga and Troy, leaving people coming east over the Central Vermont road absolutely no local accommodation on the Delaware and Hudson. Also that the Central Vermont train is due to leave Rouse's Point junction at 7:45 or at 7:50 P. M., going west, ten minutes before the Delaware and Hudson train north is scheduled to arrive there. A hearing was had before the Board, at which C. D. Hammond, general superintendent of the Delaware and Hudson, appeared, and the representative of the Central Vermont road telegraphed his inability to be present. After a thorough consideration of the matter and an examination of existing time-tables, it was decided that it would be inexpedient to make any change at that time in the summer schedule, in view of the fact that so many connections with other roads were involved. The secretary was directed to notify the officers of the Central Vermont and the Delaware and Hudson companies that when the September schedule was made, arrangements must be made for better connections in order to accommodate persons along the line of either road who desired to reach points on the connecting line. It was

also ordered that the evening train on the Central Vermont road, going west, wait for the arrival of the Delaware and Hudson train, going north, in order to accommodate passengers desiring to reach points west of Rouse's Point.

By the Board.

XLIV.

IN THE MATTER OF THE COMPLAINT OF JULIUS EGBERT v. THE
NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

August 6, 1894.

On July twenty-sixth Julius Egbert, signing himself "an ex-telegrapher," addressed a long letter to the Board from "Butternut Grove P. O., Cook's Falls Station, Delaware county, N. Y.," complaining that one of the employés in the telegraph department of the railroad company was incompetent and dishonest.

General Manager Toucey, of the New York Central company, in answer to the complaint, denied the allegation and gave information regarding Mr. Egbert, which convinced the Board that he was not a person to be credited; the case was thereupon dismissed.

By the Board.

XLV.

IN THE MATTER OF THE COMPLAINT OF F. J. DAVIS v. THE NEW
YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

August 15, 1894.

On August seventh, F. J. Davis, of Hooper, N. Y., complained against the condition of fences between his property and that of the New York, Lake Erie and Western Railroad company.

On August fifteenth, Mr. E. B. Thomas, representing the company, reported that the fence has been repaired.

By the Board.

XLVI.

IN THE MATTER OF THE COMPLAINT OF JOSEPH ROSCH v. THE NEW
YORK, ONTARIO AND WESTERN RAILWAY COMPANY.

August 17, 1894.

On July 2, 1894, Joseph Rosch, coroner, of Sullivan county, complained against the condition of the Bloomingburgh tunnel on the New York, Ontario and Western railway, where a watchman of the company was killed on June twenty-eighth. On July tenth, Mr. Thomas P.

Fowler, president of the New York, Ontario and Western Railway Company, answered that there had never been an accident in the Bloomingburgh tunnel, which was opened twenty years ago; that it is carefully watched and that there was no foundation whatever for Mr. Rosch's statement. On July eighteenth, J. E. Childs, general manager of the road, reported that he had directed the chief engineer to make a thorough investigation of the tunnel and fully empowered him to build such arches as are needed.

An inspection was ordered by the Board and on July eighteenth, Mr. Baxter, the inspector of the Board, made a careful inspection of the tunnel and reported that every care seems to be taken for proper protection and that the tunnel is being arched wherever there is any necessity. There appearing to be no occasion for action by the Board, the complaint was ordered dismissed.

By the Board.

XLVII.

IN THE MATTER OF THE COMPLAINT OF DR. AUGUST F. W. REIMER
v. THE LONG ISLAND RAILROAD COMPANY.

September 5, 1894.

On June eleventh Dr. August F. W. Reimer, health officer of College Point, complained against the sanitary condition of the station at that point, on the Long Island railroad. An investigation was subsequently made by the inspector of the Board, who reported that an inside closet for men should be erected without delay. The report of the inspector was made the recommendation of the Board, and the company was directed to comply therewith.

By the Board.

XLVIII.

IN THE MATTER OF THE COMPLAINT OF MINIER BROTHERS v. THE
NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

September 7, 1894.

On July twenty-sixth Minier Brothers, of Big Flats, N. Y., complained against the condition of the fences on their farm along the line of the New York, Lake Erie and Western Railroad Company. On August seventh the road answered that instructions had been issued to put the fences in proper repair. On September seventh Minier Brothers reported that the fences had been rebuilt.

By the Board.

XLIX.

IN THE MATTER OF THE COMPLAINT OF B. K. WHITE v. THE
POUGHKEEPSIE AND EASTERN RAILWAY COMPANY.

September 14, 1894.

Mr. B. K. White, of Stanfordville, N. Y., on May 2, 1894, made complaint against the Poughkeepsie and Eastern Railway Company, alleging that the fences were not properly maintained between his property and that of the railroad, and that a culvert had been destroyed under the railroad and replaced by a wooden trestle, the result of which had been to cause an overflow of water and damage to about three acres of land. The company answered on May eighth, that the damage complained of by Mr. White was the result of a severe wind and rain storm on the twelfth of April which destroyed about forty miles of fences and the culvert above mentioned, and that they were repairing the damage as rapidly as possible. Subsequently Mr. White renewed his complaint and the inspector of the Board was directed to make an examination of the locality, particularly with regard to the culvert. On September sixth the inspector reported that the fences along Mr. White's property had been placed in proper condition, but that a new stone culvert should be constructed, and a copy of this report was transmitted to the company, with the result, that on September fourteenth a communication was received from W. H. Sheldon, vice president, stating that the rebuilding of the stone culvert at Stanfordville would be given immediate attention.

By the Board.

L.

IN THE MATTER OF THE COMPLAINT OF JOHN HEAD v. THE POUGH-
KEEPSIE AND EASTERN RAILWAY COMPANY.

September 14, 1894.

On August seventh, John Head, of Boston Corners, N. Y., complained against the condition of fences between his property and that of the Poughkeepsie and Eastern Railway Company.

On September fifth, W. H. Sheldon, general superintendent of the road, answered the complaint by stating that the fences and gates had been repaired and were then in good condition. On September fourteenth, Mr. Head confirmed this statement.

By the Board.

APPLICATIONS FOR CHANGE OF MOTIVE POWER. .

I.

IN THE MATTER OF THE APPLICATION OF THE OSSINING ELECTRIC RAILWAY COMPANY FOR PERMISSION TO OPERATE ITS CARS BY THE OVERHEAD TROLLEY SYSTEM.

November 27, 1898.

Application for the Board's approval of the overhead electrical trolley system as a motive power having been made by the Ossining Electric Railway Company, of Sing Sing, N. Y., and having been duly filed with this Board, together with due proof of the publication of a notice of a hearing upon said application set down by the Board; also the affidavit of George Lockwood, clerk of the board of trustees of said village of Sing Sing, setting forth the aggregate value of the assessments of all the real property in said village abutting on the streets and highways through which the Ossining Electric railway is operated, and that the aggregate value of the said assessed valuations is \$632,850; also the affidavit of William H. Peck, the town clerk of the town of Ossining, Westchester county, N. Y., setting forth the aggregate value of the assessments of all the real property in said town, outside of the corporate limits of the said village of Sing Sing, abutting on the highways through which the Ossining Electric railway is operated, and that the aggregate value of the said assessments is \$55,500; also the affidavits of John M. Digney, clerk of the county of Westchester, alleging that the consents of the owners of property in the village of Sing Sing abutting on the line of the aforesaid road, the aggregate value of which is \$451,890, and in the town of Ossining to the aggregate value of \$43,475, are on file in his office, duly executed and acknowledged, which sums are in excess of one-half the aggregate value of all the property abutting on the line of said railway; and no one appearing in opposition to the granting of said application, therefore, it is

Ordered, that the use of the overhead electrical trolley system as a motive power by the Ossining Electric Railway Company be approved by the Board with the following conditions, however, which are made a part of this approval, to-wit:

First. The rate of speed shall not exceed that to be reasonably fixed by the local authorities of the village of Sing Sing and the town of Ossining.

Second. The poles from which the wires are suspended shall be of such a construction and height as to conform to the requirements of the authorities of the village of Sing Sing and of the town of Ossining which have been heretofore or may hereafter legally be prescribed and imposed.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires.

Fifth. No person, except an instructor when necessary, shall be allowed to ride on the platform with the motorman on an electric car.

Sixth. The company shall conform to all the reasonable requirements of the local authorities of the village of Sing Sing and the town of Ossining, heretofore or hereafter legally imposed by said authorities.

By the Board.

II.

IN THE MATTER OF THE APPLICATION OF THE BROADWAY FERRY AND METROPOLITAN AVENUE RAILROAD COMPANY OF BROOKLYN FOR THE APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF A CHANGE OF MOTIVE POWER FROM HORSES TO THE OVERHEAD ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

December 11, 1893.

Application by the Broadway Ferry and Metropolitan Avenue Railroad Company of Brooklyn having been duly made to this Board on or about June 3, 1893, for its approval of a change of motive power from horses to the overhead electrical trolley system of propulsion on the following routes, to-wit: Kent avenue from Broadway ferry to North Second street; North Second street to Metropolitan avenue; Metropolitan avenue from North Second street to the city line; North First street from Kent avenue to Wythe avenue; Wythe avenue from North First street to North Second street; North Fourth street from Havermeyer street to Wythe avenue; Wythe avenue from North Fourth street to North Second street, and a hearing having been had on said application on July 25, 1893, at the City Hall in the city of Brooklyn, T. S. Moore appearing as counsel for said company and no one appearing in opposition thereto; now, after hearing T. S. Moore for said application, and after filing due proof of publication of notice of this hearing, and after reading and filing the affidavit of Dominick H. Roche, and due proof of the consent of the local authorities, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which a change of motive power is proposed and the local authorities have consented thereto, now, therefore, it is

Ordered, That said application be and hereby is approved on the routes as above set forth, with the following conditions which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation as to speed or otherwise by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires; but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

III.

IN THE MATTER OF THE APPLICATION OF THE NASSAU ELECTRIC RAILROAD COMPANY FOR PERMISSION TO OPERATE ITS RAILROAD BY THE OVERHEAD ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

January 2, 1894.

Application by the Nassau Electric Railroad Company of the city of Brooklyn having been duly made to this Board on or about July 1, 1893, for its approval of the operation of its road by the overhead electrical trolley system, and hearing having been had on said application on July 25, 1893, at the City Hall in the city of Brooklyn, J. C. Church appearing as counsel for said company and David Barnett and others in opposition thereto, as to a portion of the route, viz.: New York avenue from Fulton street to the city line, and said petition having been amended so as to strike out that portion relating to said New York avenue, and said objections to such application having thereupon been withdrawn, and a further hearing thereupon having been had on or about September twelfth, at the same hour and place, parties appearing as before; now, after hearing J. C. Church for said application, and after filing due proof of publication of notice of this hearing, and after reading and filing the affidavits of Fred. C. Cocheu, dated September 11, 1893, of Dominick H. Roche, dated December 30, 1893, of William A. Hayward, dated December 22, 1893, and of George W. Dredger, dated December 30, 1893, and due proof of the consent of the local authorities, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which a change of motive power is proposed, and the city authorities have consented thereto; now, therefore, it is

Ordered, that said application be and hereby is approved, on the following routes, commencing at the foot of Broadway, in the city

of Brooklyn, in the county of Kings, and running thence along Kent avenue to South Eighth street; along South Eighth street to Broadway; along Broadway to Marcy avenue; along Marcy avenue to South Fifth street; along South Fifth street to Union avenue; along Union avenue to Johnson avenue; along Johnson avenue to Morgan avenue; along Morgan avenue to Hamburg avenue; along Hamburg avenue to Evergreens cemetery; also, commencing at the intersection of North Second street and Marcy avenue, in said city of Brooklyn, and running thence along Marcy avenue to Fulton street; along Fulton street to New York avenue; also, commencing at the intersection of Rogers avenue and the boundary line between the town of Flatbush and the city of Brooklyn; thence along Rogers avenue to Bergen street; along Bergen street to Nostrand avenue; along Nostrand avenue to Atlantic avenue; along Atlantic avenue to New York avenue; also, commencing at the intersection of Liberty avenue in the city of Brooklyn and the easterly boundary line of said city, running thence along said Liberty avenue in said city to East New York avenue; along East New York avenue to Douglass street; along Douglass street to Prospect Park Plaza; along and over said Plaza to the intersection of Ninth avenue and Union street; along Union street to Hamilton avenue; along Hamilton avenue to Ferry place; also, commencing at the intersection of Union street and Ninth avenue and running thence along said avenue to the intersection of said avenue and Twentieth street; with the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation as to speed or otherwise by this Board, as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires; but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

IV.

IN THE MATTER OF THE APPLICATION OF THE CONEY ISLAND, FORT HAMILTON AND BROOKLYN RAILROAD COMPANY FOR PERMISSION TO OPERATE ITS RAILROAD BY THE OVERHEAD ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

January 2, 1894.

Application by the Coney Island, Fort Hamilton and Brooklyn Railroad Company of the city of Brooklyn having been duly made to this Board on or about July 1, 1893, for its approval of the operation of its road by the overhead electrical trolley system, and hearing having been had on said application on July 25, 1893, at the City Hall in the city of Brooklyn, J. C. Church appearing as counsel for said company, and no one appearing in opposition, and a further hearing thereupon having been had on or about September twelfth at the same hour and place, parties appearing as before; now, after hearing J. C. Church for said application, and after filing due proof of publication of notice of this hearing, and after reading and filing the affidavits of Fred. C. Cocheu, dated September 12, 1893; of Dominick H. Roche, dated December 11, 1893; of William Keegan, dated December 7, 1893, and of George W. Dredger, dated December 30, 1893, and due proof of the consent of the local authorities, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which a motive power is proposed, and the city authorities having consented thereto; now, therefore, it is

Ordered, that said application be and hereby is approved on the following routes:

Beginning at the city line on Fifth avenue, through Fifth avenue to Thirty-sixth street, through Thirty-sixth street to Second avenue; thence through Second avenue to Thirty-ninth street, and through Thirty-ninth street to the city line; also commencing at the city line at or near Ninth avenue on Thirty-ninth street, and thence running through and along Thirty-ninth street to the town line between the towns of Flatbush and New Utrecht, at or near Fort Hamilton avenue; also commencing at the city line of Brooklyn at its intersection with Fifth avenue; thence running through and along Fifth avenue to Eighty-sixth street; thence through and along Eighty-sixth street to Fourteenth avenue; thence through and along Fourteenth avenue to Bath avenue, and along Bath avenue to the town line; also from Eighty-sixth street at its junction with Fourteenth avenue; thence through and along Eighty-sixth street to Fifteenth avenue; thence through and along Fifteenth avenue to Bath avenue, and along Bath avenue to the town line either via Fourteenth avenue or via Fifteenth avenue, as aforesaid, one only of said two routes, at the option of said company; also, from Fifth avenue and Eighty-sixth street, along Fifth avenue to Fourth avenue, and along Fourth avenue or Stewart avenue to the Shore road, with the following conditions which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regula-

tion as to speed or otherwise by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires; but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

V.

IN THE MATTER OF THE APPLICATION OF THE KINGS COUNTY ELECTRIC RAILWAY COMPANY FOR PERMISSION TO OPERATE ITS RAILROAD BY THE OVERHEAD ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

January 2, 1894.

Application by Kings County Electric Railway Company of the city of Brooklyn having been duly made to this Board on or about July 1, 1893, for its approval of the operation of its road by the overhead electrical trolley system, and hearing having been had on said application on July 25, 1893, at the City Hall, in the city of Brooklyn, J. C. Church appearing as counsel for said company, and a further hearing thereupon having been had on or about September twelfth at the same hour and place, parties appearing as before; now, after hearing J. C. Church for said application, and after filing due proof of publication of notice of this hearing, and after reading and filing the affidavit of Fred. C. Cocheu, dated September 11, 1893, of Dominick H. Roche, dated November 30, 1893, of William A. Haywood, dated December 22, 1893, of Charles E. Denton, dated November 28, 1893, and of George W. Dredger, dated December 30, 1893, and due proof of the consent of the local authorities, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which a change of motive power is proposed, and the city authorities have consented thereto; now, therefore, it is

Ordered, that said application be and hereby is approved, on the following routes, commencing at Rockaway avenue, at the city line,

running thence along Rockaway avenue to Broadway, across Broadway to Cooper avenue or Cooper street; thence along Cooper avenue to the city line; also, commencing at the intersection of New Lots road with the boundary line between the city of Brooklyn and the town of Flatlands; thence along New Lots road to Bennett avenue, otherwise known as Berriman street; thence along Berriman street to Sutter avenue, otherwise known as Union avenue; thence along Sutter avenue or Union avenue to the intersection of said street with the easterly boundary line of the city of Brooklyn; also, commencing over and along Thirty-ninth street at a point at or near Fort Hamilton avenue at the town line between Flatbush and New Utrecht; running thence along Thirty-ninth street to Thirteenth avenue; thence along Thirteenth avenue to Thirty-seventh street; thence along Thirty-seventh street to road from Flatbush to New Utrecht; thence along said road to Church lane, along and over Church lane to Church avenue, or East Broadway, to road from Flatlands and Canarsie at the line between the towns of Flatlands and Flatbush; also commencing at the town line between the towns of Flatbush and Flatlands on Church avenue (known also as East Broadway); running thence along Church avenue to East Ninety-eighth street; thence southerly along East Ninety-eighth street to Hegeman avenue; thence along Hegeman avenue to New Lots road, to the city of Brooklyn; also, commencing at Jamaica Lay at the foot of Canarsie avenue, near Denton avenue; along Canarsie avenue to Rockaway parkway, known also as Rockaway avenue; along Rockaway avenue (to Rockaway parkway) through the town of Flatlands to the city line of Brooklyn, with the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation as to speed or otherwise by this Board, as may hereafter seem fit and proper.

Seco..d. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents, upon the wires of other companies, whether telegraph, telephone or other wires, but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

VI.

IN THE MATTER OF THE APPLICATION OF THE NINTH AVENUE RAILROAD COMPANY AND THE METROPOLITAN STREET RAILWAY COMPANY FOR THE APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF A CHANGE OF MOTIVE POWER UPON THAT PORTION OF THE NINTH AVENUE RAILROAD BETWEEN FIFTY-THIRD AND SIXTY-FOURTH STREETS IN THE CITY OF NEW YORK, UNDER SECTION 100 OF THE RAILROAD LAW.

February 18, 1894.

Application by the Ninth Avenue Railroad Company and the Metropolitan Street Railway Company of the city of New York having been duly made to this Board on or about January 22, 1894, for its approval of a change of motive power from horses to the cable system, and a hearing having been had on said application on the 13th day of February, 1894, at the Chamber of Commerce in the city of New York, Henry A. Robinson appearing as counsel for the said petitioners, and no one appearing in opposition thereto; now, after hearing Henry A. Robinson, counsel for said petitioners, and after filing due proof of publication of notice of this hearing, and after reading and filing the petition of said railroad companies, dated January 22, 1894, the affidavit of Henry C. Williams, dated January 19, 1894, the affidavit of Peter J. Kelly, dated January 20, 1894, certified copies of the resolutions of the boards of directors of the said railroad companies and an examination of the original consents filed herein for that purpose, and it appearing therefrom that owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which a change of motive power is proposed have consented thereto, now, on motion of Henry A. Robinson, counsel for said petitioners,

Ordered, that said application be and hereby is approved, upon the following conditions, which are hereby made a part of this order :

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation as to speed or otherwise by this Board as may hereafter seem fit and proper.

Second. Any and all changes in location of tracks, water, sewer or gas pipes or other underground structures rendered necessary by the construction of the conduit for such cable power, shall be by agreement with the commissioner of public works and under his direction and supervision at the expense of said company.

Third. The rail to be laid shall be such as shall be approved by the commissioner of public works of the city of New York.

Fourth. The company shall remove the snow from its tracks, and not throw it on either side thereof.

Fifth. An efficient guard or safety fender shall be attached to the trucks of all cable cars.

By the Board.

VII.

IN THE MATTER OF THE APPLICATION OF THE METROPOLITAN STREET RAILWAY COMPANY, THE NINTH AVENUE RAILROAD COMPANY AND THE SIXTH AVENUE RAILROAD COMPANY, FOR THE APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS FOR THE USE OF CABLE POWER UPON THE RAILROAD CONNECTION IN FIFTY-THIRD STREET BETWEEN SIXTH AVENUE AND NINTH AVENUE, IN THE CITY OF NEW YORK.

March 15, 1894.

Application by the Metropolitan Street Railroad Company, the Ninth Avenue Railroad Company and the Sixth Avenue Railroad Company having been duly made to this Board on or about February 21, 1894, for its approval of the use of cable power upon the railroad connection in Fifty-third street between Sixth and Ninth avenues, in the city of New York, and a hearing having been had on said application on the 14th day of March, 1894, at the Chamber of Commerce, in the city of New York, Henry A. Robinson appearing as counsel for the said petitioners, and no one appearing in opposition to the use of cable power; now, after hearing Henry A. Robinson, counsel for said petitioners, and after filing due proof of publication of notice of this hearing, and after reading and filing the petition of said railroad companies, the affidavit of Harvey C. Williams, dated February 15, 1894; the affidavit of Peter J. Kelly, dated February 19, 1894; certified copies of the resolutions of the boards of directors of the said railroad companies, and a certified copy of the resolution of the board of aldermen of New York city, granting its consent, and it appearing that owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the use of cable power is proposed have consented thereto; now, on motion of Henry A. Robinson, counsel for said petitioners,

Ordered, that said application be and hereby is approved, upon the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation as to speed or otherwise by this Board as may hereafter seem fit and proper.

Second. Any and all changes in location of tracks, water, sewer or gas pipes or other underground structures rendered necessary by the construction of the conduit for such cable power, shall be by agreement with the commissioner of public works and under his direction and supervision at the expense of said company.

Third. The rail to be laid shall be such as shall be approved by the commissioner of public works of the city of New York.

Fourth. The company shall remove the snow from the tracks, and not throw it on either side thereof.

Fifth. An efficient guard or safety fender shall be attached to the trucks of all cable cars.

By the Board.

VIII.

IN THE MATTER OF THE APPLICATION OF THE BROOKLYN, QUEENS COUNTY AND SUBURBAN RAILROAD COMPANY, FOR PERMISSION TO OPERATE A PORTION OF ITS RAILROAD BY THE ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

March 28, 1894.

Application by the Brooklyn, Queens County and Suburban Railroad Company, of Brooklyn, having been duly made to this Board on or about March 9, 1894, for its approval of the operation of a portion of its road in the town of Newtown, Queens county, by the overhead electrical trolley system, and hearing having been had on said application on March twenty-eighth, at the City Hall, in the city of Brooklyn, T. S. Moore appearing as counsel for said company, and no one appearing in opposition thereto; now, after hearing T. S. Moore for said application, and after filing due proof of publication of notice of this hearing, and after reading and filing the affidavit of James P. Rapelye, dated January 4, 1894, and due proof of the consent of the local authorities, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the use of the overhead electrical trolley system of propulsion is proposed, and the local authorities have consented thereto; it is

Ordered, that said application be and hereby is approved, on the following routes:

No. 1. Beginning in the town of Newtown at or near Middle Village at the junction of the Williamsburgh and Jamaica Turnpike road (now called Metropolitan avenue) and the Dry Harbor road; thence along said Dry Harbor road to the Juniper Swamp road; thence along said Juniper Swamp road to Trotting Course lane; thence along said Trotting Course lane to the Old road, Highway District No. 34, of the town of Newtown; thence along said Old road to Lott's Dock and Corona avenue; thence along said Corona avenue to Strong's Causeway near Corona park in the town of Newtown.

No. 2. Beginning in the town of Newtown at the junction of Williamsburgh and Jamaica Turnpike road (now called Metropolitan avenue) and the Dry Harbor road; thence along said Williamsburgh and Jamaica Turnpike road or Metropolitan avenue to a point in the town of Newtown where the said Metropolitan avenue is intersected by the town line between the town of Jamaica and the town of Newtown, with the following conditions which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation as to speed or otherwise by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires, but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor when necessary) shall be allowed to ride on the platform with the motorman on an electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

IX.

IN THE MATTER OF THE APPLICATION OF THE BROOKLYN, QUEENS COUNTY AND SUBURBAN RAILROAD COMPANY FOR THE APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF A CHANGE OF MOTIVE POWER FROM HORSES TO THE OVERHEAD ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

March 28, 1894.

Application by the Brooklyn, Queens County and Suburban Railroad Company having been duly made to this Board on or about March 5, 1894, for its approval of a change of motive power from horses to the overhead electrical trolley system of propulsion upon that portion of its railroad on Metropolitan avenue, beginning at the city line in the city of Brooklyn and thence running along said Metropolitan avenue to the Dry Harbor road at St. John's cemetery, in the town of Newtown, county of Queens, and a hearing having been had on said application on March twenty-eighth at the City Hall in the city of Brooklyn, T. S. Moore appearing as counsel for said company, and no one appearing in opposition thereto; now, after hearing T. S. Moore for said application, and after filing due proof of publication of notice of this hearing, and after reading and filing the affidavit of James R. Rapelye, dated January 4, 1894, and due proof of the consent of the local authorities, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which a change of motive power is proposed, and the local authorities have consented thereto; therefore, it is

Ordered, that said application be and hereby is approved on the following route: Beginning at the city line of the city of Brooklyn on Metropolitan avenue and thence running along said Metropolitan avenue to the Dry Harbor road at St. John's cemetery in the town of Newtown, county of Queens, with the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regula-

tion, as to speed or otherwise, by this Board, as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires; but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

X.

IN THE MATTER OF THE APPLICATION OF THE METROPOLITAN STREET RAILWAY COMPANY FOR THE APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF A CHANGE OF MOTIVE POWER FROM HORSES TO CABLE ON THAT PORTION OF ITS RAILROAD ON LEXINGTON AVENUE, BETWEEN THIRTY-FIFTH AND FORTY-SECOND STREETS IN THE CITY OF NEW YORK.

April 17, 1894.

Application by the Metropolitan Street Railway Company having been duly made to this Board on or about March 27, 1894, for its approval of a change of motive power from horses to the cable system of propulsion upon that portion of its railroad on Lexington avenue, between Thirty-fifth and Forty-second streets, in the city of New York, and a hearing having been had on said application on the 17th day of April, 1894, at the Chamber of Commerce in the city of New York, Henry A. Robinson appearing as counsel for the said petitioners, and no one appearing in opposition; now, after hearing Henry A. Robinson, counsel for said petitioners, and after filing due proof of publication of notice of this hearing, and after reading and filing the petition of said railroad company, the affidavit of S. A. Emanuel, dated March 27, 1894, the affidavit of Peter J. Kelly, dated April 6, 1894, the affidavit of Harvey C. Williams, dated April 14, 1894, and it appearing that owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the change of motive power to the cable system is proposed, have consented thereto, now, on motion of Henry A. Robinson, counsel for said petitioners,

Ordered, that said application be and hereby is approved, upon the following conditions which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation as to speed or otherwise by this Board as may hereafter seem fit and proper.

Second. Any and all changes in location of tracks, water, sewer, or gas pipes or other underground structures rendered necessary by the construction of the conduit for such cable power shall be by agreement with the commissioner of public works and under his direction and supervision at the expense of said company.

Third. The rail to be laid shall be such as shall be approved by the commissioner of public works of the city of New York.

Fourth. The company shall remove the snow from the tracks and not throw it on either side thereof.

Fifth. An efficient guard or safety fender shall be attached to the trucks of all cable cars.

By the Board.

XI.

IN THE MATTER OF THE APPLICATION OF THE NEWBURGH ELECTRIC RAILWAY COMPANY FOR THE APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF A CHANGE OF MOTIVE POWER FROM HORSES TO THE OVERHEAD ELECTRICAL TROLLEY SYSTEM, AND FOR THE USE OF THE TROLLEY SYSTEM ON EXTENSIONS OF THE RAILROAD.

April 17, 1894.

Application by the Newburgh Electric Railway Company having been duly made to this Board on or about April 2, 1894, for its approval of a change of motive power from horses to the overhead electrical trolley system, and for the use of the trolley system on extensions of the railroad on the following routes, to-wit: Beginning at the intersection of Broadway and Haines' crossroad in the city of Newburgh and running thence over and through Broadway to Colden street; thence through and over Colden street to Water street; thence over and through Water street to a point in the northerly line of the city at the junction of Water street with North and Liberty streets; also, a branch beginning at the junction of Broadway with Liberty street to Renwick street; thence over and through Renwick street to Bridge street; thence over and through Bridge street to the southerly line of the city; also, a branch beginning at the intersection of Second and Water streets and thence over and through Second street to Front street, and over and through Front street to the New York, Lake Erie and Western Railroad depot; and a hearing having been had on said application at the Chamber of Commerce, New York city, on the 17th day of April, 1894, G. R. Masten appearing as counsel for the said petitioners and no one appearing in opposition; now, after hearing G. R. Masten, counsel for said petitioners, and after filing due proof of publication of notice of this hearing, and after reading and filing the petition of said railroad company, the affidavit of D. J. Coutant, dated April 14, 1894, certified copy of the

resolution of the board of aldermen of the city of Newburgh, granting its consent, and it appearing that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the use of the overhead electrical trolley system of propulsion is proposed, have consented thereto; now, on motion of G. R. Masten, counsel for said petitioners,

Ordered, that said application be and hereby is approved, upon the following conditions which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation as to speed or otherwise by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires; but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

XII.

IN THE MATTER OF THE APPLICATION OF THE NIAGARA FALLS, WHIRLPOOL AND NORTHERN RAILWAY COMPANY FOR PERMISSION TO OPERATE ITS RAILROAD BY THE OVERHEAD ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

April 80, 1894.

Application by the Niagara Falls, Whirlpool and Northern Railway Company having been duly made to this Board on or about March 15, 1894, for its approval of the operation of its road in the city of Niagara Falls by the overhead electrical trolley system, and hearing having been had on said application on April sixteenth at the Capitol, Albany, Messrs. Ely and Dudley appearing as counsel for said company, and no one appearing in opposition thereto; now, after hearing Messrs. Ely and Dudley for said application, and after filing due proof of publication of notice of this hearing, and after reading and filing the affidavit of Konrad Fink, dated April 21, 1894, and the proof of the consent of the local authorities, and it appearing therefrom that the owners of more

than one-half in value of the property bounded on that portion of the railroad with respect to which the use of the overhead electrical trolley system is proposed, and the local authorities have consented thereto, now, therefore, it is

Ordered, that said application be and hereby is approved upon the following routes, to-wit: Beginning at a point in Bellevue avenue in the city of Niagara Falls where the same is intersected by Spring street; thence easterly along said Bellevue avenue to Main street; thence northerly along Main street to the northerly limits of the city of Niagara Falls, with the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities, and subject to such further regulation, as to speed or otherwise, by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires, but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on an electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

XIII.

IN THE MATTER OF THE APPLICATION OF THE HOOSICK RAILWAY COMPANY, FOR PERMISSION TO OPERATE ITS RAILROAD BY THE OVERHEAD ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

May 14, 1894.

Application by the Hoosick Railway Company having been duly made to this Board on or about April twenty-third, for its approval of the operation of its road in the village of Hoosick Falls and town of Hoosick, by the overhead electrical trolley system, and hearings having been had on said application on May seventh and May fourteenth, at the Capitol, Albany, George E. Green, Esq., appearing as counsel for said company, and no one appearing in opposition thereto; now, after hearing George E. Green for said application, and after filing due proof of publication of notice of hearing, and after reading and filing

the affidavits of Jeremiah Shea and M. C. Wilson, and due proof of the consent of the local authorities, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the use of the overhead electrical trolley system is proposed, and the local authorities have consented thereto; now, therefore, it is

Ordered, that said application be and hereby is approved upon the following routes, to-wit: In the village of Hoosick Falls, on Elm street from old Troy and Boston railroad station to Third; on Third to River; on River to Church; on Church to Willard and Walton; on Willard and Walton to Main; on the whole line of Main, from Main to Classic; on Classic to Abbott; on Abbott, Parsons avenue and Munsell streets, along High street to the village limits; in the town of Hoosick, from the village limits on highway to North Hoosick and from thence by way of Walloomsac to Vermont State line; with the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation, as to speed or otherwise, by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires; but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

XIV.

IN THE MATTER OF THE APPLICATION OF THE NEWBURGH AND ORANGE LAKE RAILROAD COMPANY FOR PERMISSION TO OPERATE ITS RAILROAD BY THE OVERHEAD ELECTRICAL TROLLEY SYSTEM OF PROPULSION.

June 19, 1894.

Application by the Newburgh and Orange Lake Railroad Company having been duly made to this Board on or about June 6, 1894, for its approval of the operation of its road in the city of Newburgh and town of Newburgh by the overhead electrical trolley system, and hearing

having been had on said application on June nineteenth at the City Hall, New York city, William D. Dickey, Esq., appearing as counsel for said company, and no one appearing in opposition thereto; now, after hearing William D. Dickey for said application, and after filing due proof of publication of notice of hearing, and after reading and filing the affidavits of Daniel J. Coutant and A. C. Wyatt, and due proof of the consent of the local authorities, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the use of the overhead electrical trolley system is proposed, and the local authorities have consented thereto; now, therefore, it is

Ordered, that said application be and hereby is approved upon the following routes, to-wit: Beginning at the intersection of Broadway (or Cohecton turnpike) and Haines' crossroad and running northwesterly along and through said Haines' crossroad about 1,900 feet; thence leaving said crossroad and running through a right of way conveyed to said railroad company by the Wisners, about 1,800 feet, to a point on the southerly side of the highway formerly known as the Newburgh and Ellenville plankroad and opposite the northeast corner of lands of W. J. Sutton; thence northwesterly along and through said Ellenville plankroad about four and one-quarter miles to a point about 300 feet east of the hotel at Orange Lake, owned by Edward Fitzgerald; thence leaving said plankroad and running northerly about 300 feet through the depot grounds owned by said railroad company, with the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation, as to speed or otherwise, by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires; but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the sides next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

XV.

IN THE MATTER OF THE APPLICATION OF THE BROADWAY AND SEVENTH AVENUE RAILROAD COMPANY AND THE METROPOLITAN STREET RAILWAY COMPANY, FOR THE APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF THE USE OF CABLE POWER UPON THE RAILROAD CONNECTION IN LEXINGTON AVENUE BETWEEN TWENTY-THIRD AND THIRTY-SIXTH STREETS, AND IN TWENTY-THIRD STREET BETWEEN LEXINGTON AVENUE AND BROADWAY, NEW YORK CITY.

July 5, 1894.

Application by the Broadway and Seventh Avenue Railroad Company and the Metropolitan Street Railway Company having been duly made to this Board on or about May 21, 1894, for its approval of the use of cable power upon the railroad connection in Lexington avenue between Twenty-third and Thirty-sixth streets, and in Twenty-third street between Lexington avenue and Broadway, New York city, and a hearing having been had on said application on the 19th day of June, 1894, at the Governor's room in the City Hall, New York city, Henry A. Robinson appearing as counsel for the said petitioners, and no one appearing in opposition; now, after hearing Henry A. Robinson, counsel for the said petitioners, and after filing due proof of publication of notice of this hearing, and after reading and filing the petition of said railroad companies, the affidavit of Harvey C. Williams, dated May 23, 1894; the affidavit of Peter J. Kelly, dated May 21, 1894, and a certified copy of the resolution of the board of aldermen of New York city, granting its consent, and it appearing that owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the use of cable power is proposed have consented thereto; now, on motion of Henry A. Robinson, counsel for said petitioners,

Ordered, that said application be and hereby is approved, upon the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities, and subject to such further regulation, as to speed or otherwise, by this Board as may hereafter seem fit and proper.

Second. Any and all changes in location of tracks, water, sewer or gas pipes, or other underground structures, rendered necessary by the construction of the conduit for such cable power, shall be by agreement with the commissioner of public works and under his direction and supervision at the expense of said company.

Third. The rail to be laid shall be such as shall be approved by the commissioner of public works of the city of New York.

Fourth. The company shall remove the snow from the tracks and not throw it on either side thereof.

Fifth. An efficient guard or safety fender shall be attached to the trucks of all cable cars.

By the Board.

XVI.

IN THE MATTER OF THE APPLICATION OF THE CONEY ISLAND AND BROOKLYN RAILROAD COMPANY FOR APPROVAL OF A CHANGE OF MOTIVE POWER FROM HORSES TO ELECTRICITY ON ITS RAILROAD IN THE CITY OF BROOKLYN FROM GREENWOOD CEMETERY TO THE WILLINK ENTRANCE TO THE PROSPECT PARK, ALONG FORT HAMILTON AVENUE, FRANKLIN AVENUE AND OCEAN AVENUE.

July 24, 1894.

Application by the Coney Island and Brooklyn Railroad Company having been duly made to this Board on or about May 29, 1894, for its approval of a change of motive power from horses to the overhead trolley system of propulsion upon that portion of its railroad beginning at the intersection of Ocean avenue with Flatbush avenue at or near the Willink entrance to Prospect Park, over, along and upon Ocean avenue to Franklin avenue; thence over, along and upon Franklin avenue to the Ocean parkway and Fort Hamilton avenue, and thence over, along and upon Fort Hamilton avenue to Gravesend avenue at or near the Greenwood cemetery, and hearings having been had thereon on June 19, 1894, in New York city, and on June twenty-eighth and July fifth at the City Hall, Brooklyn, William N. Dykman appearing as counsel for said company and Frank S. Angell, assistant corporation counsel of the city of Brooklyn, as counsel for said city and the commissioner of parks, in opposition; now, after hearing William N. Dykman for said application and after filing due proof of publication of notice of the several hearings, and after reading and filing the petition of said railroad company, the affidavit of Thomas H. Glass, dated May 29, 1894, in behalf of said application, and after hearing Frank S. Angell in opposition, and after reading and filing the affidavits of Frank J. Gardiner, dated July 3, 1894, of Gideon Mollen, dated July 3, 1894, of W. W. Baird, dated July 10, 1894, of Frank S. Angell, dated July 5, 1894, of Wilbur M. Palmer, dated July 5, 1894, and the affidavit of Henry S. Palmer, dated July 3, 1894, with the certificate attached thereto, and the protest of various property-owners under date of July 6, 1894, and it appearing therefrom that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which a change of motive power to the overhead trolley system is proposed have consented thereto; now, on motion of William N. Dykman, counsel for said petitioner,

Ordered, that said application be and hereby is approved, upon the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation, as to speed or otherwise, by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage,

duction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires, but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

XVII.

IN THE MATTER OF THE APPLICATION OF THE CONEY ISLAND AND BROOKLYN RAILROAD COMPANY FOR APPROVAL OF A CHANGE OF MOTIVE POWER FROM HORSES TO ELECTRICITY ON ITS RAILROAD IN THE CITY OF BROOKLYN FROM GREENWOOD CEMETERY TO THE WILKINSON ENTRANCE TO THE PROSPECT PARK, ALONG FORT HAMILTON AVENUE, FRANKLIN AVENUE AND OCEAN AVENUE.

July 24, 1894.

The execution of consents by private property-owners to the amount of \$129,150, which it is conceded the company has, after deducting all withdrawals claimed by the corporation counsel, appearing for the city of Brooklyn and the park commissioner, including that of the Brighton Beach railroad and the Burdock consent, would still leave the company with more than one-half when the assessed valuation of the Prospect Park property is considered. The action of the common council of the city of Brooklyn January 11, 1892, under the decision of Mr. Justice Bartlett in the case of the Brooklyn City Railroad Company v. Brower, park commissioner, must be considered by this Board as the consent of the city of Brooklyn so far as relates to the Prospect Park frontage. The enactment by the Legislature thereafter of chapter 442 of the Laws of 1892, in effect recognizing if not ratifying the jurisdiction of the common council over Ocean and Franklin avenues, and the amendment to section 91 of the Railroad Law by chapter 723 of the Laws of 1894, doing away with the provision requiring the consent of one-half of the property-owners facing on the park, leaves the railroad company in the position of having obtained more than one-half in value of consents, and of having complied with the requirements of the statute.

This Board is on record as approving of the trolley as a system and sees no reason why in this particular instance the application for change of motive power should not be approved. The tracks are now in the street and will be, whether horses or trolley be used, so that the argument of counsel, that the granting of this permit will interfere with the grading, improving, etc., of the streets, has no weight.

By the Board.

street and East Onondaga street to Warren street; thence northerly through Warren street across the Erie canal to James street; thence northeasterly through James street to Townsend street; thence northerly through Townsend street to Lodi street; thence northwesterly through Lodi street to Union place; thence northerly through Union place to Alvord street, and thence northwesterly through Alvord street to North Salina street, and a hearing having been had on said application at the rooms of the Board in the Capitol, Albany, on the 4th day of September, 1894, William P. Gannon appearing as counsel for said petitioners, and Robert E. Drake appearing as counsel for property-owners in opposition, and an adjournment having been taken to September eleventh, from which date the hearing was further adjourned until September twenty-first, Mr. Gannon appearing at the latter hearing, at which no one appeared in opposition; now, after hearing William P. Gannon, counsel for said petitioners, and Robert E. Drake at the first hearing in opposition, and after filing due proof of publication of notice of hearing, and after reading and filing the petition of said railroad company, the affidavits of John C. Keefe, Alexander E. Soule and J. W. Wickes and Willard R. Kimball, and it appearing that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the change of motive power is proposed and the local authorities have consented thereto; now, on motion of William P. Gannon, counsel for said petitioners,

Ordered, that said application be and hereby is approved, upon the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation, as to speed or otherwise, by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires; but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjacent track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

XX.

IN THE MATTER OF THE APPLICATION OF THE CANANDAIGUA ELECTRIC LIGHT AND RAILROAD COMPANY FOR THE APPROVAL OF THE BOARD OF RAILROAD COMMISSIONERS OF A CHANGE OF MOTIVE POWER FROM HORSES TO THE OVERHEAD ELECTRICAL TROLLEY SYSTEM ON ITS RAILROAD.

September 21, 1894.

Application by the Canandaigua Electric Light and Railroad Company having been duly made to this Board on or about September 5, 1894, for its approval of a change of motive power from horses to the overhead electrical trolley system on the following routes, to-wit: From the foot of Main street, at the wharf of Canandaigua lake, to a point opposite the street-car barns on Main street; with a branch from the intersection of Main and Mechanic streets easterly on Mechanic street to the intersection of North Pleasant street; thence on North Pleasant street to the Fair grounds; and a hearing having been had on said application at the rooms of the Board in the Capitol, Albany, T. H. Bennett appearing as counsel for said petitioners, Samuel D. Bachus appearing by letter in opposition as to the manner of operation of the railroad; now, after hearing T. H. Bennett, counsel for said petitioners, and after filing due proof of publication of notice of this hearing, and after reading and filing the petition of said railroad company, the letter of Samuel D. Bachus, the affidavit of George B. Cooley, dated the 5th day of September, 1894, certified copy of the resolution of the board of trustees of the village of Canandaigua granting its consent, and it appearing that the owners of more than one-half in value of the property bounded on that portion of the railroad with respect to which the change of motive power is proposed, and the local authorities have consented thereto; now, on motion of T. H. Bennett, counsel for said petitioners,

Ordered, that said application be and hereby is approved upon the following conditions, which are hereby made a part of this order:

First. This application is granted and accepted subject to the lawful regulations of the local authorities and subject to such further regulation, as to speed or otherwise, by this Board as may hereafter seem fit and proper.

Second. The poles from which the wires are to be suspended shall be of such a construction and height as to conform to the requirements of the local authorities.

Third. No car shall be run with less than two men to operate it.

Fourth. The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise, from interfering with the currents upon the wires of other companies, whether telegraph, telephone or other wires, but this provision is not intended to require that the said company shall construct a double circuit.

Fifth. Every car shall be equipped with gates on both ends, which shall be closed on the side next to the adjoining track. No person (except an instructor, when necessary) shall be allowed to ride on the platform with the motorman on any electric car.

Sixth. On all open cars there shall be attached a guard on the side of the car next to the adjoining track, running the entire length of the car, to prevent passengers from entering or leaving the car on that side; this guard to be of such a nature that it may be transferred from one side to the other.

By the Board.

APPLICATIONS FOR INCREASE OF CAPITAL STOCK.

I.

IN THE MATTER OF THE APPLICATION OF THE ITHACA STREET RAILWAY COMPANY FOR AN INCREASE OF CAPITAL STOCK FROM \$175,000 TO \$250,000.

December 11, 1893.

The Ithaca Street Railway Company having made application to the Board for approval of an increase of its capital stock from \$175,000 to \$250,000; and certificates of the proceedings of the stockholders' meeting approving of such increase having been submitted as required by the Stock Corporation Law, with proof of the publication of notice of such meeting; together with the affidavit of Horace E. Hand, the president of said company, alleging that the total expenditures of said company up to this time have been \$375,000 and that the outstanding obligations of the company, stock and bonds, amount to \$375,000, and that in order to fully complete said railway and build a proposed extension across the Cornell University campus and the erection of suitable car-houses and repair shops, and the payment of a floating indebtedness of about \$28,000, it is necessary to increase the capital stock of the company to the sum of \$250,000, and that the moneys derived from the sale of such stock will be in good faith used to complete the present plant, make the necessary extensions and pay said floating indebtedness; therefore, it is

Ordered, that the increase of the capital stock of the Ithaca Street Railway Company from \$175,000 to \$250,000 be and it hereby is approved, and that the indorsement of such approval shall be made upon the certificates of the stockholders' meeting, according to the provisions of the Stock Corporation Law.

By the Board.

II.

IN THE MATTER OF THE APPLICATION OF THE WEST SIDE RAILROAD COMPANY OF ELMIRA FOR AN INCREASE OF ITS CAPITAL STOCK FROM \$100,000 TO \$300,000.

January 24, 1894.

This application was duly filed with the Board, accompanied by a certificate showing that the requirements of the law in the matter of calling a special meeting of the stockholders to consider and vote upon the proposition to increase the capital stock had been complied with;

also by the affidavit of Charles M. Tompkins, president of the petitioner, showing that the company had expended \$225,000 and would require \$75,000 additional to complete the payment for the construction of its road and to make contemplated extensions, and that the sole purpose of the said company in increasing its capital stock from \$100,000 to \$300,000 was to raise money with which to pay for its construction and to make such extensions, the company having no bonded indebtedness; therefore, it is

Ordered, that the increase of the capital stock of the West Side Railroad Company of Elmira from \$100,000 to \$300,000 be and it hereby is approved, and that the indorsement of such approval shall be made upon the certificates of the stockholders' meeting according to the provisions of the Stock Corporation Law.

By the Board.

III

IN THE MATTER OF THE APPLICATION OF THE MIDDLETOWN-GOSHEN TRACTION COMPANY FOR AN INCREASE OF CAPITAL STOCK FROM \$100,000 TO \$200,000.

March 30, 1894.

This application was duly filed with the Board, accompanied by the certificate of the stockholders' meeting approving of the increase, as required by the Stock Corporation Law, with the necessary proofs of publication; also the affidavit of E. D. Wightman, secretary of the company, showing that the bonded indebtedness of the company at the date of the application was \$100,000, and that the purpose for which the additional capital stock is asked is in order that the company may complete the construction and equipment of its railroad and extend the same six miles to Goshen, for which the sum of more than \$98,000 will be required; now, therefore, it is

Ordered, that the increase of the capital stock of the Middletown-Goshen Traction Company from \$100,000 to \$200,000 be and it hereby is approved, and the indorsement of such approval shall be made upon the certificates of the stockholders' meeting according to the provisions of the Stock Corporation Law.

By the Board.

IV.

IN THE MATTER OF THE APPLICATION OF THE FULTON ELEVATED RAILWAY COMPANY FOR AN INCREASE OF CAPITAL STOCK FROM \$300,000 TO \$1,500,000.

April 28, 1894.

The petition and application of the Fulton Elevated Railway Company show that this corporation was organized under chapter 606 of the Laws of 1875, and that it had constructed an elevated railroad in the city of Brooklyn from Fulton street at its intersection with the former boundary line between the city of Brooklyn and town of New Lots, and extending thence through various streets and avenues and

lands to a point east of Montauk avenue, a distance of 2.077 miles. The route of the railway as fixed and determined by the commissioners appointed under the provisions of the aforesaid act, extends from the point in Fulton street above named to the boundary line between the city of Brooklyn and town of Jamaica, a total distance of three miles, leaving at the time of filing this petition .923 miles to be constructed. In May, 1889, having found its capital stock to be insufficient for constructing and operating its road, its stockholders voted to increase the stock to \$1,500,000, prior to which time the company had entered into a contract for the entire construction of its road. Accompanying the petition was an indenture showing that the Fulton Elevated Railway Company had leased its road to the Kings County Elevated Railway Company, which latter company was to operate the lessor upon its completion. Also an affidavit of Joseph E. Palmer, Jr., treasurer of the petitioner, setting forth that the amount already expended in completing the said structure was \$3,213,095, and that the additional sum of \$819,600 would be required, making the total cost of the road \$4,032,695, which would be made up of the stock amounting to \$1,500,000 and the bonded indebtedness; therefore, it is

Ordered, that the increase of the capital stock of the Fulton Elevated Railway Company from \$300,000 to \$1,500,000 be and it hereby is approved, and that the indorsement of such approval shall be made upon the certificates of the stockholders' meeting according to the provisions of the Stock Corporation Law.

By the Board.

V.

IN THE MATTER OF THE APPLICATION OF THE PORT JERVIS AND SUBURBAN STREET RAILROAD COMPANY FOR AN INCREASE OF CAPITAL STOCK FROM \$25,000 TO \$100,000.

May 21, 1894.

This application was duly filed with the Board, accompanied by the certificate of the proceedings of the stockholders' meeting approving of such increase, as required by the Stock Corporation Law, with proof of the publication of notice of stockholders' meeting, together with an affidavit of Benjamin Ryall, president of the company, showing that to build a proposed extension of the road and properly equip the entire length of the road, increase the amount of rolling stock, power plant, and to acquire additional land the sum of \$75,000 will be needed. The petitioner further states that the whole of said additional sum of \$75,000 is required to extend said street railroad as aforesaid and that such increase of capital stock is asked for in good faith and will be actually required and used in the extension of said railroad; therefore, it is

Ordered, that the increase of the capital stock of the Port Jervis and Suburban Street Railroad Company from \$25,000 to \$100,000 be and it hereby is approved, and the indorsement of such approval shall be made upon the certificate of the stockholders' meeting according to the provisions of the Stock Corporation Law.

By the Board.

VI.

IN THE MATTER OF THE APPLICATION OF THE FORT PLAIN AND RICHFIELD SPRINGS RAILWAY COMPANY FOR AN INCREASE OF CAPITAL STOCK FROM \$300,000 TO \$600,000.

September 21, 1894.

The Fort Plain and Richfield Springs Railway Company having made application to the Board for approval of an increase of its capital stock from \$300,000 to \$600,000, and certificate of the proceedings of the stockholders' meeting having been submitted as required by the Stock Corporation Law, with proof of the publication of the notice of such meeting, together with the affidavit of John A. Yates, chief engineer of the Fort Plain and Richfield Springs Railway Company, alleging that the construction of the road will cost not less than \$553,000, including only the equipment necessary for use during construction, and that in order to fully complete said railroad it is necessary to increase the capital stock of the company to the sum of \$600,000, and that the money derived from the sale of such stock will be in good faith used to complete the road; therefore, it is

Ordered, that the increase of the capital stock of the Fort Plain and Richfield Springs Railway Company from \$300,000 to \$600,000 be and the same is hereby approved and that the indorsement of such approval shall be made upon the certificate of the stockholders' meeting, according to the provisions of the Stock Corporation Law.

By the Board.

APPLICATION FOR DECREASE OF CAPITAL STOCK.

I.

IN THE MATTER OF THE APPLICATION OF THE SOUTH CAIRO AND EAST DURHAM RAILROAD COMPANY FOR THE APPROVAL OF THE BOARD OF A REDUCTION OF ITS CAPITAL STOCK FROM \$100,000 TO \$60,000.

January 16, 1894.

This application was duly filed with the Board, accompanied by the certificate of Edward Lapman, chairman, and J. Freelon Gaylord, secretary, of the special meeting of the stockholders, at which action was taken reducing the capital stock of the company from \$100,000 to \$60,000, setting forth that the total amount of stock subscribed is 206 shares and the amount of capital actually paid in \$7,624.81; that the indebtedness of the company is \$147.68. It appearing therefrom that the reduced capital provided for is sufficient for the proper purposes of the company and in excess of its debts and liabilities; therefore, it is

Ordered, that the application of the South Cairo and East Durham Railroad Company for a reduction of its capital stock from \$100,000 to \$60,000 be and hereby is approved, and the indorsement of such approval shall be made upon the certificate of the stockholders' meeting, according to the provisions of the Stock Corporation Law.

By the Board.

Applications for a Certificate under Section 59 of the Railroad Law.

I.

IN THE MATTER OF THE APPLICATION OF THE WHITE PLAINS RAILROAD COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

January 16, 1894.

The application of the White Plains Railroad Company for a certificate under section 59 of the Railroad Law, having been duly filed with the Board on or about March 11, 1893; and the articles of association thereof, together with the proof of the publication of the same as required by law, and a map of the proposed route having been duly filed; and hearing on the same having been had before the Board at Albany, April 10, 1893, and at White Plains, April 13, 1893, Ira N. Place and others appearing for the applicant and David Verplanck and others opposed; and the Board having duly considered said application and having taken testimony on the same at such hearings, all of which is on file in this office; and it appearing to the Board that public convenience and necessity does not require the construction of such railroad, therefore, it is

Ordered, that the application of the White Plains Railroad Company for a certificate under section 59 of the Railroad Law be, and the same is hereby denied.

By the Board.

II.

IN THE MATTER OF THE APPLICATION OF THE CHAZY RAILWAY COMPANY FOR A CERTIFICATE UNDER SECTION 59 OF ARTICLE 2 OF THE RAILROAD LAW.

February 20, 1894.

On reading and filing the petition of John I. Platt, president, on behalf of the Chazy Railway Company, dated February 7, 1894, the articles of association of said company and due proof of publication thereof, a map showing the proposed route of said road and due proof of publication of the notice of hearing on said application before this Board, and after hearing John I. Platt for said application, no one appearing in opposition, and it appearing that the conditions of said

section 59 have been complied with, and that public convenience and necessity require the construction of said railroad as proposed in said articles of association, it is

Ordered, that said application be, and the same is hereby granted, and that the certificate authorized under section 59 of the Railroad Law be issued, declaring that the requirements of said section have been complied with and that public necessity and convenience require the construction of said railroad, as proposed in said articles of association, and as shown upon said map.

By the Board.

III.

IN THE MATTER OF THE APPLICATION OF THE WADDINGTON, CANTON AND SOUTHERN RAILROAD COMPANY, FOR A CERTIFICATE UNDER SECTION 59 OF ARTICLE 2 OF THE RAILROAD LAW.

September 4, 1894.

On reading and filing the petition of the directors of the Waddington, Canton and Southern Railroad Company, dated August 15, 1894, the articles of association of said company and due proof of publication thereof, a map showing the proposed route of said road, and due proof of publication of the notice of hearing on said application before this Board, and after hearing Henry E. Seaver and John C. Keeler for said application, no one appearing in opposition, and it appearing that the conditions of said section 59 have been complied with, and that public convenience and necessity require the construction of said railroad as proposed in said articles of association, it is

Ordered, that said application be and the same is hereby granted, and that the certificate authorized under section 59 of the Railroad Law be issued declaring that the requirements of said section have been complied with and that public necessity and convenience require the construction of said railroad as proposed in said articles of association and as shown upon said map.

By the Board.

IV.

IN THE MATTER OF THE APPLICATION OF THE FORT PLAIN AND RICHFIELD SPRINGS RAILWAY COMPANY, FOR A CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

September 11, 1894.

On reading and filing the petition of the Fort Plain and Richfield Springs Railway Company, by Horace Moody, secretary, the articles of association of said company and due proof of publication thereof, a map showing the proposed route of said road, and due proof of publication of the notice of hearing on said application before this Board, and

after hearing J. G. Janeway for said application, no one appearing in opposition, and it appearing that the conditions of said section 59 have been complied with and that public convenience and necessity require the construction of said railroad as proposed in said articles of association, it is

Ordered, that said application be and the same is hereby granted, and that the certificate authorized under section 59 of the Railroad Law be issued declaring that the requirements of said section have been complied with and that public necessity and convenience require the construction of said railroad as proposed in said articles of association and as shown upon said map.

By the Board.

Applications for Permission to Lease under Section 80 of the Railroad Law.

I.

IN THE MATTER OF THE APPLICATION OF THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY FOR LEASE TO LEASE THE NEW YORK AND PUTNAM RAILROAD, UNDER SECTION 80 OF THE RAILROAD LAW.

January 29, 1894.

Application was made to the Board of Railroad Commissioners on January 16, 1894, by the Hon. Chauncey M. Depew and Ashbel Green, representing the New York Central and Hudson River Railroad Company and the New York and Putnam Railroad Company, respectively, for the approval by this Board of a lease of the New York and Putnam railroad to the New York Central and Hudson River Railroad Company. The New York and Putnam Railroad Company was represented to be a reorganization of the New York and Northern Railroad Company under mortgage foreclosure in December, 1893. Simon Sterne, representing minority stockholders of the New York and Northern Company, having requested opportunity to be heard in case any application should be made to this Board in relation to that company, a hearing in the application for approval of the aforesaid lease was fixed for January eighteenth, at the Hoffman House, in New York city. On that occasion the Hon. Chauncey M. Depew and Ashbel Green appeared for the applicants, and Simon Sterne and A. H. Holmes in opposition to the application. After a long argument on the part of Mr. Sterne, from which it appeared that proceedings were pending in court attacking the mortgage foreclosure and reorganization, and that as a matter of fact Mr. Sterne did not represent any existing interest in the New York and Putnam Railroad Company, the hearing was adjourned until January 23, 1894, at the Chamber of Commerce, New York city, in order to give Mr. Sterne an opportunity to present evidence bearing upon the question of public policy involved in the approval of the lease as a general proposition, the New York and Putnam road being to some extent a parallel and competing line with road represented by the petitioners. At this hearing affidavits were presented by Mr. Sterne upon this point, and Mr. Depew replied thereto.

It appearing from the evidence presented and from the arguments advanced by counsel for and against the approval of the lease, that public interests would best be served by the approval of the lease permitting the New York Central and Hudson River Railroad Company

to operate the New York and Putnam railroad, the Board promulgated the following order:

Ordered, that said application be and hereby is granted, conditioned upon the lessee, the said New York Central and Hudson River Railroad Company, continuing to afford at least as good service and accommodation to the traveling public and shippers on the line of the said New York and Putnam railroad as has heretofore been rendered by the New York and Northern and the present New York and Putnam companies, it being the intention of the Board to consent to such lease on the express condition that said New York and Putnam railroad shall be so operated, and that provision to that effect shall be inserted in said lease.

Subsequently an amended case was presented containing the following covenant in compliance with the foregoing order:

Sixth. The party of the second part, for itself, its successors and assigns, covenants and agrees that it will, from time to time and at all times during the term hereby granted and demised, do every act and thing that may by law be obligatory upon it or upon the party of the first part with respect to the operation, condition, maintenance and use of the said railroad premises and property hereby demised, and every part thereof, including the keeping and rendition of all accounts and reports required by law, and that it will, during the tenure of the said demised premises under and by virtue of this indenture, so operate and maintain the said railroad premises and property hereby demised as to afford to the public equally good facilities as are rendered to the public over said demised railroad premises at the date of this indenture.

Whereupon the following order was promulgated:

Pursuant to the requirements of the Board heretofore made herein, an amended lease having been presented to the Board, a copy of which is hereto annexed, and said amended lease being in compliance with the terms of said order, it is

Ordered, that the consent of the Board to said amended lease be and hereby is granted.

By the Board.

II.

IN THE MATTER OF THE APPLICATION OF THE FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY FOR LEAVE TO LEASE THE JOHNSTOWN, GLOVERSVILLE AND KINGSBORO HORSE RAILROAD, UNDER SECTION 80 OF THE RAILROAD LAW.

February 18, 1894.

Application having been made by the president and directors of the Fonda, Johnstown and Gloversville Railroad Company for leave to lease the Johnstown, Gloversville and Kingsboro horse railroad, under section 80 of the Railroad Law, and a copy of the lease having been filed with this Board, the opinion of the Attorney-General was asked as to the power of the Board under the foregoing section upon the question of the lease of a street surface railroad by the petitioner, it

being a steam railroad company, to which the Attorney-General made the following reply:

"I am in receipt of your communication of the sixth inst., requesting my opinion as to whether or not, under section 80 of the Railroad Law, a lease of a street surface road by a steam road requires the approval of the Railroad Commissioners. In reply thereto, I beg leave to call your attention to the language of said section 80, which distinctly prohibits the leasing of certain roads without the consent of the Railroad Commissioners. It is true that street surface roads are exempted from the prohibition above referred to, but in my judgment the exemption intended by said section has reference to the leasing of one street surface railroad by another of like character; and I am, therefore, of the opinion that the leasing of a street surface railroad by a steam road required the consent and approval of the Railroad Commissioners."

There being no opposition to the approval of the lease, and it appearing that public interests would be best served by the operation of the above-named roads under one management, the following action was taken:

Ordered, that said application be and hereby is granted, conditioned upon the lessee, the said Fonda, Johnstown and Gloversville Railroad Company, continuing to afford at least as good service and accommodation to the traveling public and shippers on the line of the said Johnstown, Gloversville and Kingsboro horse railroad as has heretofore been rendered by the said Johnstown, Gloversville and Kingsboro Horse Railroad Company.

By the Board.

III.

IN THE MATTER OF THE APPLICATION OF THE FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY FOR LEAVE TO LEASE THE CAYADUTTA ELECTRIC RAILROAD, UNDER SECTION 80 OF THE RAILROAD LAW.

April 30, 1894.

Ordered, that said application be and hereby is granted, conditioned upon the lessee, the said Fonda, Johnstown and Gloversville Railroad Company, continuing to afford at least as good service and accommodation to the traveling public and shippers on the line of the said Cayadutta Electric railroad as has heretofore been rendered by the said Cayadutta Electric Railroad Company.

By the Board.

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Applications for Exemption under the Provisions of Chapter 544 of the Laws of 1893.

AUTOMATIC COUPLER ACT.

I.

IN THE MATTER OF THE APPLICATION OF JOHN KING AND J. G. McCULLOUGH, AS RECEIVERS OF THE NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY, FOR EXEMPTION UNDER THE PROVISIONS OF CHAPTER 544 OF THE LAWS OF 1893.

April 2, 1894.

Application for an extension of time within which to equip twenty per cent. of all freight cars owned and operated by the above-named petitioners during the year 1893, with automatic couplers of the master car builders type, having been made to this Board; upon reading and filing a verified statement showing the total number of cars owned and operated on the first day of January, 1893, and the number of cars equipped with automatic couplers of the master car builders' type, and upon reading and filing the affidavit of the petitioners, dated on or about March 21, 1894, and it appearing therefrom that the financial condition of the said company would not permit of the required expenditure at this time; now, on motion of James S. Allen, counsel for the petitioners, and no one appearing in opposition thereto,

Ordered, that said application be granted.

By the Board.

II.

IN THE MATTER OF THE APPLICATION OF SAMUEL G. DECOURSEY, AS RECEIVER OF THE WESTERN NEW YORK AND PENNSYLVANIA RAILROAD COMPANY, FOR EXEMPTION UNDER THE PROVISIONS OF CHAPTERS 543 AND 544 OF THE LAWS OF 1893.

July 17, 1894.

Application for an extension of time within which to equip twenty per cent. of all freight cars owned and operated by the above-named petitioner during the year 1893 with automatic couplers of the master car builder's type, and ten per cent. of all freight cars owned and oper-

ated by said petitioner during the year 1893 with continuous power or air brakes, having been made to this Board; upon reading and filing a verified statement showing the total number of cars owned and operated on the 1st day of January, 1894, and the number of cars that have been equipped; and upon reading and filing the affidavit of the petitioners, dated on or about June 29, 1894; and it appearing therefrom that the financial condition of the said company would not permit of the required expenditure; now, on motion of Frank Rumsey, counsel for the petitioners, and no one appearing in opposition thereto,

Ordered, that said application be granted.

By the Board.

damage," I would state that the express company has the right to take consignments under those conditions. As to the question of collection of damages, I assume, as a legal proposition, that in case you could prove the goods were damaged by reason of the negligence of the express company, you could enforce collection, whether stamped or not.

Very truly yours,

C. R. DEFREEST,

Secretary.

II.

As to Height of Bridge over Railroad.

TROY, N. Y., *April 23, 1894.*

Railroad Commissioners, Albany, N. Y.

SIRS.— Will you kindly inform me what clearance is required by law between the top of rail and lower members of a bridge for an overhead crossing of a highway bridge over a railroad track.

Very truly yours,

GARNET D. BALTIMORE,

Ass't City Engineer.

[REPLY.]

ALBANY, *April 23, 1894.*

GARNET D. BALTIMORE, Esq., *Ass't City Engineer, Troy, N. Y.:*

MY DEAR SIR.— Replying to your favor of the 23rd inst., would state that there is no law regulating the clearance between the top of rail and the lower members of a bridge for an overhead crossing of a highway over a railroad track. This Board, however, has recommended that the clearance should be from twenty to twenty-one feet in all cases.

Very truly yours,

C. R. DEFREEST,

Secretary.

III.

[As to Proposed Railroad Crossing Sign.]

R. H. Wilbur, general superintendent of the Lehigh Valley railroad, asked the Board if a railroad crossing sign (a blue print of which was submitted) would be satisfactory for use on the Lehigh

Valley railroad in this State. The Board held that the sign proposed would not comply with the law, and answered as follows:

ALBANY, N. Y., *July 25, 1894.*

R. H. WILBUR, Esq., *General Sup't Lehigh Valley Railroad:*

DEAR SIR.—Your letter and blue print of proposed highway crossing warning sign were laid before the Board at its meeting yesterday, and I am instructed to refer you to section 33 of the Railroad Law of this State, which prescribes what such signs should be. The Board has no authority to make any change.

Very truly yours,

C. R. DEFREEST,
Secretary.

IV.

As to Railroad Franchises.

LOCKPORT, N. Y., *August 8, 1894.*

MR. CHARLES R. DEFREEST, *Secretary State Railroad Commission,*
Albany, N. Y.:

DEAR SIR.—In behalf of myself and others I have recently made application to the Common Council of this city for a franchise to myself individually for an electric street railroad. Parties opposed to the enterprise claim that such a franchise can not be granted to an individual, and as I find nothing in the laws of the State preventing it, I beg to ask if there is any regulation or statute connected with the Railroad Commission, involving this question. If there is, I will be greatly obliged if you will advise me.

Respectfully yours,

Q. G. T. PARKER.

REPLY.

ALBANY, *August 9, 1894.*

Q. G. T. PARKER, Esq., *Lawyer, 73 Main-street, Lockport, N. Y.:*

DEAR SIR.—Without pretending to make an absolute statement of fact, I am of the opinion that, under the Railroad Law, a franchise for a street railroad may only be granted to a regularly incorporated company.

Very truly yours,

C. R. DEFREEST,
Secretary.

V.

As to "Centre-Bearing" Rails.

R. T. McKeever, general superintendent of the Fonda, Johnstown and Gloversville railroad, inquired of the Board whether it held that the T rail is a "centre-bearing" rail. The following reply was sent:

ALBANY, September 14, 1894.

R. T. MCKEEVER, Esq., *General Superintendent, Fonda, Johnstown and Gloversville Railroad, Gloversville, N. Y.:*

MY DEAR SIR.—Replying to yours of the thirteenth instant I would state that the board has repeatedly decided that the T rail is not a centre-bearing rail within the meaning of the law. I believe the matter has already been decided in the case of one of the railroads leased by your company, and I refer you to another decision on page 148 of the report of the Railroad Commissioners, vol. 1, 1893.

Very truly yours,

C. R. DEFREEST,

Secretary.

CROSSINGS AT GRADE.

I.

IN THE MATTER OF THE APPLICATION OF THE MIDDLETOWN-GOSHEN TRACTION COMPANY FOR CONSENT TO A GRADE CROSSING OF TRACKS OF THE NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY, UNDER CHAPTER 239 OF THE LAWS OF 1893.

February 18, 1894.

On reading and filing the petition of the Middletown-Goshen Traction Company, dated February 12, 1894, the contract between said Traction Company and the New York, Lake Erie and Western Railroad Company, dated January 18, 1894, and the map and profile of the proposed crossing, and after hearing Henry W. Wiggins, counsel for said petitioner, and no one appearing in opposition thereto, the New York, Lake Erie and Western Railroad Company consenting, and it appearing therefrom that provision has been made for a safe and proper crossing at said point; now, on motion of counsel for said petitioner,

Ordered, that consent of the Board of Railroad Commissioners to such crossing, in the manner provided for in the contract between the two railroad companies, be and hereby is granted.

By the Board.

II.

IN THE MATTER OF THE APPLICATION OF THE BROOKLYN CITY RAILROAD COMPANY FOR LEAVE TO INTERSECT AND CROSS AT GRADE THE TRACKS OF THE LONG ISLAND RAILROAD COMPANY.

April 23, 1894.

This application was filed on or about March 18, 1894, under the provisions of section 2 of chapter 239 of the Laws of 1893. The petition shows that the applicant is a street railroad corporation incorporated under chapter 140 of the Laws of 1850 and acts amendatory thereof; that it owns and operates a system of railroad with lines in the counties of Kings and Queens; that the Long Island Railroad Company is a corporation organized under the laws of this State and operates a railroad which crosses the Fresh Pond road; that the town board and the commissioners of highways of the town of Newtown granted their consent in writing to this applicant to construct, maintain and operate a street surface railroad to be operated by electricity along and upon

Fresh Pond road and at the point in question, and that the applicant has obtained the consents in writing of the owners of more than one-half in value of the property bounded on said Fresh Pond road, and the consent of this Board to its operation by electricity, but that the Long Island Railroad Company refuses to consent to such crossing at grade.

The applicant appears by its attorneys, Morris & Whitehouse, and the Long Island Railroad Company by its attorney, W. J. Kelly, in opposition. A hearing was had on said application at the common council chamber in the City Hall, Brooklyn, on the 28th day of March, 1894. Upon such hearing the parties appeared as above. Argument was had by the respective counsel, and the counsel for the Long Island Railroad Company filed a map showing the situation and asked that the application be denied. The Board took the papers and made a personal inspection of the locality on the following day. Thereafter, the inspector to this Board filed his report and recommendations in the matter, dated April ninth, in which he recommends the crossing at grade with interlocking signals; separate inclined grades for each street car track approaching and across the steam road; an inverted V-shaped trough placed directly over the trolley wire, so constructed that the wheel would still have contact if it left the wire; the present system of gates; and various other precautionary measures which are treated of more in detail by him in the report which is hereby referred to. The Metropolitan avenue crossing is within about fifty feet east of the proposed Fresh Pond road crossing, and upon it are the tracks of the Metropolitan avenue horse-car line, now operated by horse power, but upon which leave has been granted to operate by trolley, which system is soon to be inaugurated, and is about 125 feet west of the Bushwick station on the line of the Long Island railroad. The Fresh Pond road crossing and the said Metropolitan avenue crossing are both protected by gates operated by one gate tender from one central station. The fact that this Metropolitan avenue crossing with its existing tracks and the existing right to cross at grade is so near to the proposed Fresh Pond road crossing as to practically make them one, they being, as above stated, both protected at the present time by one system of gates operated by one man, should be considered and have great weight in disposing of this question. They are, in fact, for all practical purposes, one and the same crossing; this is so as to the street railroads on both of these streets as well as in the operation of the Long Island railroad; the slowing up of trains for one crossing is the slowing up for both, and the expense of protection for one is the same for both, except in the expense of apparatus. The existing grade crossing being at that point on Metropolitan avenue it would seem unnecessary and in fact unjust to require the large expenditure necessary to construct an overhead or underground crossing on the Fresh Pond road by the applicant. If it were practicable to combine the two crossings and have one crossing either overhead or underground, and it could be done with a reasonable expenditure, it would of course be preferable; but there are vested rights on Metropolitan avenue, and to abolish the crossing at grade would require some radical legislation. The angles at which the various crossings are

made, as shown on the map attached hereto, also make such a crossing impracticable.

Although this Board is opposed to grade crossings in general and to this class in particular, yet in view of the facts herein and after a careful consideration of the statements of counsel and a personal inspection of the locality, the Board is of the opinion that this application should be granted upon the following conditions and not otherwise :

First. A system of interlocking signals operated from a central tower, under the control of the employes of the Long Island Railroad Company, at a point to be designated by the Long Island Railroad Company, shall be constructed at the expense of the applicant, the Brooklyn City Railroad Company, with a system of derailing switches on the tracks of the said Brooklyn City railroad, also operated from said central tower.

Second. A V-shaped trough, or some other means to prevent the trolley leaving the wire, shall be constructed at the expense of the said Brooklyn City Railroad Company.

Third. The construction of separate inclined gutters for each street car track approaching the steam road, if practicable, at the expense of the applicant, so that the cars shall be carried across by gravity.

Fourth. The street cars shall stop within a reasonable distance of the crossing, and the conductor shall proceed ahead and know that the way is clear, and the car shall not proceed until signaled by the conductor so to do. Instructions to this effect shall be given and shall be rigidly enforced by the applicant.

Fifth. Not less than three towermen shall be employed by the Long Island Railroad Company at this crossing, the applicant, the Brooklyn City Railroad Company, to pay two of the men and the Long Island Railroad Company one; this provision not to interfere with any payment now made toward the maintenance of the present flagman by the Metropolitan avenue line.

By the Board

III.

IN THE MATTER OF THE APPLICATION OF THE HOOSICK RAILWAY COMPANY FOR LEAVE TO CROSS AT GRADE THE TRACKS OF THE FITCHBURG RAILROAD COMPANY AT RIVER STREET IN THE VILLAGE OF HOOSICK FALLS.

May 28, 1894.

This application was filed on or about April 28, 1894, under the provisions of section 2 of chapter 239 of the Laws of 1893. The petition shows that the applicant is a street railroad corporation incorporated under the Railroad Law; that it proposes to lay its track on River street in the village of Hoosick Falls, and that to do so it will be necessary to intersect and cross the tracks of the Fitchburg railroad operated by steam power at the intersection of the Fitchburg road with River street, where the said steam road has one main track and three switch or side tracks. The applicant appears by its attorney, G. E.

Green, Esq., and the Fitchburg Railroad Company by Hon. T. F. Hamilton, in opposition.

A hearing was had on said application at the office of the Board in the city of Albany on May fourteenth; on said hearing the parties appeared as above and testimony was taken relative to the extent to which River street is used for team and foot travel, the extent of the freight and passenger business on the line of the Fitchburg road at the point named, and the expense of constructing and maintaining an overhead crossing.

The Board took the papers and thereafter the inspector made an examination of the locality and a report upon all of the questions considered at the hearing. The report of the inspector was considered at an adjourned hearing on May twenty-eighth, at which G. E. Green, Esq., appeared for the applicant, there being no appearance on the part of the Fitchburg Railroad Company.

In view of the facts presented, and after a careful consideration of the statements of counsel and a personal inspection of the locality by Commissioner Rickard, the Board is of the opinion that this application should be and is hereby granted, upon the following conditions, and not otherwise:

First. That a semaphore signal shall be located at or near Carey avenue on the line of the main track of the Fitchburg Railroad Company, to be operated from River street; the exact location of the semaphore to be designated by the Fitchburg Railroad Company; the construction to be at the expense of the applicant, and under the direction of the said Fitchburg Railroad Company; the operation to be by a man stationed at River street, the expense of whose services shall be jointly borne by the Fitchburg Railroad Company and the Hoosick Railway Company; said employe to be selected by the Fitchburg Railroad Company and to be under its supervision and control.

Second. A V-shaped trough, or some other means to prevent the trolley leaving the wire, shall be constructed at the expense of the said Hoosick Railway Company over the crossing.

Third. The street cars shall stop within a reasonable distance of the crossing, and the conductor shall proceed ahead and know that the way is clear; the car shall not proceed until signaled by the conductor so to do. Instructions to this effect shall be given and shall be rigidly enforced by the applicant.

By the Board.

ACCIDENTS.

I.

IN THE MATTER OF AN ACCIDENT ON THE WESTERN NEW YORK AND PENNSYLVANIA RAILROAD, ABOUT THREE MILES FROM DUNKIRK, DECEMBER 15, 1893, CAUSED BY THE FAILURE OF A TRESTLE KNOWN AS "THE HERRICK GULF TRESTLE."

January 8, 1894.

The inspector of the Board made an examination at the scene of this accident, and reported as follows :

"In compliance with instructions from your honorable body, an examination has been made of the trestle known as "Herrick Gulf Trestle," and its surroundings, on the Pittsburgh division of the Western New York and Pennsylvania railroad, at or near milepost No. 37 from Buffalo, and No. 3 from Dunkirk, which broke down under train No. 16 on December fifteenth last, precipitating the train into the creek below, causing the death of Oscar L. Porter, Mrs. Nancy M. Porter, George Ryman, Jesse Hodge, William E. McCain, and more or less serious injury to the remaining eight persons on board of the train. The last inspection of this road was made in June, 1892, by my predecessor, and the next would ordinarily occur in 1894, as with the exception of roads for summer traffic only, the inspections take place biennially. Train No. 16, composed of engine, tender, baggage car, smoker and coach, departed from Buffalo upon schedule time (5:15 P. M.), bound for Brocton. This train had formerly run through to Mayville, making a close connection with the Chautauqua Lake railroad to Jamestown, but upon the day of accident was making its first trip as a local to Brocton. It continued upon time, leaving Silver Creek station (some five miles east of Herrick's Gulf trestle) at 6:34 P. M. It was due to leave Dunkirk at 6:56; this would make (by computation and the assumption of regular speed) the accident take place at 6:43 or 6:44 P. M. Trains Nos. 1 and 6, meeting at Dunkirk at 4:36 P. M., therefore, passed over the trestle in question within a little more than two hours previous to the time of the accident. The trestle was composed, upon the day in question, of framed bents, fourteen and eighteen feet apart, white pine, in fair life, generally, though some sap decay was noticeable at bearing points, not enough, however, to cause failure; the stringers were of white pine and three under each rail, with 8x16 inches cross section, in fair life; floor system of oak, in fair life, closely spaced; inside guard-rails and guard timbers were also in place. This trestle had formerly been double tracked, the Western New York and Pennsylvania railroad using the southerly half, and the

New York, Chicago and St. Louis railroad the northerly half, until some time during the forepart of last November, when the latter company (having previously placed its track upon the old roadbed of the Lake Shore and Michigan Southern railroad, which in its turn had modified its alignment still further north toward Lake Erie) sawed off and partially removed its half, leaving, however, all sills not easily accessible; those resting upon the bed rock in the creek being exposed were removed. The structure was not braced longitudinally except upon the south side, where there was one horizontal timber extending continuously between caps. Mr. Herrick informed your inspector that he had noticed a timber about six feet above the creek bed, horizontal, and bracing the creek bents upon the south or up-stream side. The extreme height of the trestle between the bed of the creek and the top of the rail would closely approximate twenty-five feet. The creek over which the trestle extended, in ordinary times flows but little water, and no doubt during the dry summer seasons might be found perfectly dry; but the drainage area, composed mostly of cleared farm land, is considerable, and during sudden changes of temperature this creek is quickly surcharged with surface water. The bed of the creek at and near the point of accident is solid rock of a slate nature; the bents rested upon this rock, being leveled up with pieces of wood called "blocking." The channel of the creek is fairly straight between what is now the "Nickle Plate" roadbed (old Lake Shore and Michigan Southern) and the Western New York and Pennsylvania railroad, but passing southerly or up stream it winds easterly and makes a decided angle, and returns to the general direction again before reaching the highway bridge. The "Nickle Plate" company's bridge, some 130 feet distant northerly, is forty-nine feet clear span. The bridge upon highway, some 120 feet distant southerly, is about twenty feet clear span. The trestle bents at the creek proper were seventeen feet apart. Immediately north of the trestle and east of the creek is a knoll or embankment which tends to obstruct the free flow of high water. This obstruction, added to the acute angle with which the creek water in time of flood approaches the trestle, could easily cause great damage to the structure, particularly if large logs or a quantity of driftwood and ice should be forced against it. Your inspector was informed by the company's engineer that a dam located some two or more miles above upon the creek had either given away or the "flash-board" had broken or been taken away, so as to allow an increased quantity of flood water to flow down the creek upon the day of accident. The company's officials say that no trouble was ever had before at the crossing of the creek in question from high water. The sills resting upon the exposed rock in creek-bed at time of sawing and removing them by the Nickle Plate employes had been blocked or leveled up with pieces of wood. The question arises whether that part of the sills left in position under the Western New York and Pennsylvania railroad were properly and securely blocked and leveled to withstand the new conditions. The nature of the shale formation at this point is such that it tends to disintegrate with the action of the elements, and neglect, even in a small degree, to positively place and keep the bents upon firm and solid foundation would, during a sudden thaw and consequent high water, tend to dislodge them. The bent standing in the west edge of the creek

would seem to have been in the most dangerous position, for the trend of the water and creek current approaching upon so acute an angle would with little difficulty (if not firmly and positively supported) wash, undermine and dislodge it. The channel of the creek directly north of trestle, being contracted by the knoll upon the east side and the abrupt bank upon the west, would also cause conditions dangerous to the bents in the creek; so that, if the assumption is made that logs, driftwood and ice were carried down against the bents with considerable force under the above conditions, there can be little difficulty in appreciating the chance for damage to the structural supports. The theory advanced by some that the breaking away of the eight-inch "flash-board" from the crest of the Ogden dam, some two or more miles away, was the direct cause of the failure, would hardly seem correct or sufficient, for, without the acute angle of approach and the contracted condition of channel at the trestle, the extra quantity of water would easily pass, as it did, through the highway bridge. The direct cause of the trestle giving way is, of course, somewhat conjectural, though the conditions upon December 15, 1893, would seem to prove that the structure was not sufficiently braced longitudinally, was originally improper as regards construction (when direction, condition and inclination of the creek channel are considered), and was made more or less susceptible to side motion and undue vibration owing to the removal in part of the Nickle Plate" portion.

"Your inspector has constantly recommended that structures of this nature and under similar conditions should be reconstructed, so as to positively give ample waterway. The straightening of the creek channel and removal of the knoll or bank spoken of above, when the road was built, would not have been expensive. It is suggested that this trestle be filled and an iron or steel girder bridge be erected immediately, upon stable masonry abutments, and the creek channel be so straightened as to give direct flow between the highway bridge and the New York, Chicago and St. Louis railroad bridge."

The Board concurs in the suggestions of the inspector, and recommends that they be carried out.

By the Board.

II.

**IN THE MATTER OF A COLLISION ON THE ROME, WATERTOWN AND
OGDENSBURGH RAILROAD AT THERESA JUNCTION, APRIL 9, 1894.**

May 1, 1894.

This accident occurred on the Y just north of the station at Theresa Junction, on the line of the Rome, Watertown and Ogdensburgh railroad, about 5:23 P. M. April 19, 1894. It resulted in the death of the engineer of train No. 501, and the slight injury of several passengers on that train. A coroner's jury was impaneled and an inquest held that evening and a verdict rendered exonerating the company and placing the blame upon two of the crew of train 501. It has been customary in accidents of this nature for the Board or some member of

it to attend the inquest, but the haste with which this one was held rendered it impossible; the Board, therefore, took up the investigation of the matter and had a hearing thereon at Utica on April twenty-eighth, at which hearing the superintendent of the road and various members of the two train crews in the collision were examined. From the evidence taken, it appears that train 501 from Philadelphia arrived at Theresa Junction about a minute late; it was due at 5:10. The customary work of transferring baggage, etc., was disposed of and the train pulled out on to the Ogdensburgh branch and north of the station and backed on to the Y on the west side of the Ogdensburgh track to permit the passage of train 508 from the north. The crew of train No. 501 consisted of Conductor J. E. Stevens, Engineer William Williams, Fireman William Barden, Baggage-man A. G. Van Slyke, Trainman, James Dickinson. The engineer of train 508 was Edward G. Egert, the conductor John Unser, and fireman John Ellard.

It appears from the undisputed evidence that at the time train 501 proceeded on to the Ogdensburgh branch to back in on to the Y, pursuant to the rules of the company, Trainman Dickinson proceeded to the north for the purpose of flagging train 508, which was then due from the north. His train advanced to a point at or near where he was supposed to flag train 508, and then, instead of remaining at this point, he got on to the pilot of the engine of train No. 501, and rode back to the switch leading to the Y. While his train was so advanced, pursuant to the rules of the company, there being only one trainman, Baggage-man Van Slyke opened the switch for the train to back into the Y. Having opened the switch, and without waiting to close the same, he proceeded toward the engine standing on the Y to give the engineer what is known as a "clearance card," supposing, as he testified, that the trainman, Dickinson, who had ridden back on the pilot of the locomotive, had in the meantime closed the switch so that train No. 508 approaching from the north, would pass on down the Ogdensburgh track to the station. At this switch there is what is known as a target, which, when the switch is open, displays a red disc about ten inches in diameter and a white disc when the switch is closed, the red disc denoting "danger" and the white disc "safety." As appears from the testimony of Trainman Dickinson, when at the flagging point just prior to the time of his jumping on the pilot of his engine and riding back, he picked up a small mud turtle, which he carried in his hand while on the engine, and which he was looking at directly after leaving the engine at the switch, and to which he called the attention of Baggage-man Van Slyke when he returned from delivering the "clearance card" to the engineer. The attention of both evidently being entirely taken up with an examination of the turtle. Dickinson, supposing that Van Slyke had closed the switch, apparently neglected to ascertain whether it was closed or open, Van Slyke evidently going through the same process of reasoning.

The target displaying the red and white disc was about the height of a man's head and was on the same side of the track as that on which the trainman and baggage-man stood. While standing there examining the turtle, about four minutes, train 508 approached from the north, Engineer Egert in charge. It appears from his testimony

that he did not see the target, his explanation being that it was obscured by the baggageman and the trainman; that seeing them there, and it being customary to pass the train at this point, he came on down the track at the rate of twenty-five or thirty miles an hour, and did not discover that the switch was open until within a short distance of it, when he and his fireman jumped. His train proceeded in on the Y, collided with the engine of train No. 501, caught Engineer Williams, of train 501, between the cab and tender and crushed him to death, he dying within a few moments after the collision. Four passengers were slightly bruised, but no other serious injuries were received.

Under the rules of this railroad company, and as appears from the testimony of the superintendent, it is the duty, where there is but one trainman on a train, for the trainman to proceed in advance and flag all approaching trains, and that of the baggageman to open and close the switch in making the transfer to the Y. It is also, under such rules, the duty of the flagman to stay at the flagging point, some 1,500 feet in advance of his train until recalled by a blast from the whistle of the locomotive, or until he can see from the position or color of the target that the switch has been closed. There is also a general rule making it the duty of all employes in and about a train to see to it that all necessary precautions are at all times taken.

It clearly appears, from all the evidence taken in this matter, that the direct cause of this accident was the failure of Baggageman Van Slyke to close the switch at the Y after passing train 501 on to the Y, and the neglect of the trainman, Dickinson, to remain at the flagging point until recalled by the whistle of his locomotive or until he knew that the switch was closed. The violation of the rules of the company and the neglect of duty by these two men caused this accident.

It may be said that Engineer Egert, on the approaching train 508, should have discovered from the red disc which must have been displayed on the target that the switch was open, but this is explained by the fact that he says he did not see the disc, which was probably on account of the trainman and the baggageman coming between him and the disc. He also further explains his approaching, by stating in his evidence that either Van Slyke or Dickinson signaled him to advance; this, however, is denied by both of these men. It was but natural for him, with these two men directly at the target from which is operated the switch, to assume that the switch was properly closed. The same may be said in regard to Engineer Williams, who was killed at that time. He had every right to assume that these men being on the spot had performed their duty. A like statement may be made in reference to the conductor in charge of train 508. He saw the men there on the spot whose duty it was to close the switch and had every right to assume that they had properly performed their duty.

In connection with this matter, the propriety of erecting a distance signal to show safety or danger according to the position of the switch was considered in the examination of Superintendent Russell, and it appeared from his testimony that such distance signal could be erected and maintained at slight expense. It also appeared from his testimony and from that of the other witnesses, that a view of the present target can be obstructed by a person standing in front of it.

of siding. Two hundred and fifty-four started to pull over before the first section started. Then 154 started to pull out and the engine and four or five cars ran over the switch at the junction of Salamanca and Bradford main tracks when 254 struck the side of their train. Extra engine 93 whistled "downbrakes" for the 254 to stop before 154 had their engine over the switch and 254 was fifteen car lengths from the switch. Neither one stopped and 93 whistled again and neither one stopped. When they struck, it derailed engines 23, 27 and 254 and they struck car standing on siding. In jumping Engineer Turner was caught by car on the siding and his left leg was torn off at the thigh. Smoke and steam and storm which prevailed at the time obstructed Engineer Turner's view so that he could not see anything ahead of his engine.

"J. H. BARRETT,

"General Superintendent."

January 4, 1894.— At Warsaw, in [which two persons were killed and two injured in a collision. On inquiry the company report as follows:

"The brakes on the caboose and gondola cars that ran back and collided with 233 were in good condition. In my opinion Brakeman Kiefer did not perform his duties and was almost entirely responsible for the accident, for which he was dismissed. The conductor, on the other hand, of 133 should have known that his flagman was on duty and for this he was suspended, which, together with the dismissal of the flagman for going to sleep on duty, was the discipline administered in the case.

"J. H. BARRETT,

"General Superintendent."

CATSKILL MOUNTAIN.

September 18, 1893.— At Cairo, Charles Carl was killed on crossing. On inquiry the company responded as follows:

"I beg leave to say that I have examined the location, and, in my opinion, a person in a wagon approaching the crossing can, at a point 150 to 200 feet from the crossing, see a train approaching when the train is 300 to 500 feet or more from the crossing, according to the directions from which the person and train approached crossing. In the case of Charles Carl, he could, and probably did, see the train when it was 300 feet from the crossing, and he could have stopped his horse in time to prevent the accident.

"Very respectfully,

"CHARLES A. BEACH,

"Superintendent."

DELAWARE AND HUDSON CANAL COMPANY.

April 17, 1894.— East Line crossing at which Mr. and Mrs. Collamer were killed. In response to inquiry the company's answer was:

"The East Line crossing, on which Mr. and Mrs. Collamer were killed on the seventeenth ultimo, is not protected by gates or flagman.

Trains can be seen at a considerable distance in either direction. We do not consider any employe of this company at fault; they were fully exonerated by the coroner's jury.

"Yours truly,

"C. D. HAMMOND,
"Superintendent."

ELMIRA AND HORSEHEADS.

May 30, 1894.—At Grand Central avenue, Elmira, Cortland and Northern Railway crossing, an employe was killed in a collision. Inquiry was made as to whether the company had rules which provided for the stopping of cars before they reach a railroad crossing. If not, the Board recommend that orders be given that cars be brought to a full stop at least thirty feet from the crossing, and that they be not permitted to start except upon signal of conductor, who should go ahead for the purpose of seeing that the road is clear.

The company replied as follows:

"Our rules provide that all motormen shall come to a dead stop fifty feet before reaching railroad crossings, and shall send conductor ahead to see that the way is clear. Mr. Manning had, at the time of his death, a book of instructions containing this order among others, and at the coroner's inquest the testimony of the conductor showed that he ran the Delaware, Lackawanna and Western crossing, situated one-half mile north of the one at which he was killed, both ways, not even slowing down the hill.

"Yours truly,

"THE ELMIRA AND HORSEHEADS RY. CO.

"C. H. BALDWIN,
"General Manager."

FITCHBURG.

November 4, 1893.—Between Scotia and Crescent a brakeman was struck by an overhead bridge. On inquiry the company made the following reply:

"This bridge was supposed to clear eighteen feet from the top of the rail. Soon as possible after this accident happened I took the matter up with the chief engineer, who had bridge guards placed at the required distance from the bridge. There have never been warning signals at this bridge to my knowledge before. The bridge will clear any person on an ordinary car.

"Yours truly,

"M. P. SNYDER."

CENTRAL VERMONT.

October 6, 1893.—At Norwood a fireman was injured in a collision. On inquiry the company made the following reply:

"The yard at Norwood is protected by yard limit posts. The Casualty Board after investigating the matter decided the men or both trains were

somewhat at fault for the collision. Conductor Looby, Engineer Stevens, Brakemen McNullis and Veitch of one train were suspended ninety days each and Engineer Bevins and his fireman of the other train were suspended one week each.

"Yours truly,

"T. W. BALDWIN,

"General Superintendent."

June 8, 1894.—East of Winthrop Station a man was killed on crossing. On inquiry the company replied as follows:

"The crossing where the accident occurred is an ordinary road crossing, and was not protected either by gates or flagman; in fact, I do not know of any grade crossings under similar surroundings that have protection of this character.

"Yours truly,

"T. W. BALDWIN,

"General Superintendent."

LAKE SHORE AND MICHIGAN SOUTHERN.

January 3, 1894.—West of Westfield, Thomas Brown, fireman, was burned. On inquiry the company replied as follows:

"This accident was due to the crown sheet on engine No. 57 getting hot, the cause of which is as follows: At about 6:30 A. M., one mile and a half west of Westfield yard, engine No. 57 dropped her crown sheet on account of low water, as follows: Crown sheet bagged from flue sheet back to eighth crown bar, and almost full width of sheet; lowest point of bag seven and one-quarter inches from crown bar. Engineman states that when taking engine out of house at Westfield, about 5:30 A. M., the two bottom gauge cocks showed water, the top being stopped up; also, water in glass showed to within two inches from top. After arrival of engine in yard, and while waiting for train, the fireman put the injectors on and filled the boiler, so that water glass showed to be full of water, after which time there was no more water put in the boiler; but at the time the crown sheet gave down he was just in the act of setting the injector to work again, and at which time the water in glass showed to be within about two inches from top. In his report the engineman is positive that there was water in two bottom gauge-cocks. On investigating the cause of low water on crown sheet, I find that the hole in bottom plug of water glass had become about fifty per cent. closed by a corrosion of mud, and that the top of water glass had been put into top cock and asbestos for packing; said packing had worked up over top of water glass, completely shutting the top of water glass off, or nearly so. I also find that the top gauge-cock was stopped up, as reported by the engineman; but in addition to this, I find that the dripper was also stopped up to an extent as to retain the water in bottom of same, and for these reasons I am inclined to believe that the engineman was mistaken in regard to the amount of water in the boiler, from the fact that water glass showed a great deal more water than was in the

boiler, and the dripper containing water would cause the sound of water from gauge-cocks regardless of whether it was steam or water escaping from them.

"The engineer was suspended thirty days for not giving more attention to water glass and dripper previous to crown sheet giving out.

"Yours truly,

"W. H. CANNIFF,

"General Superintendent."

June 27, 1894.—At Dunkirk, two people killed on crossing. On inquiry, the company replied as follows:

"From a point fifty feet along center of the highway southward from the south rail of the north track, there is an unobstructed view westward of 470 feet from the center of the highway. Fifty feet from the south rail of south track, an unobstructed view of 121 feet 8 inches, fifty feet from the line of the bottom of the bank, south side, gives an unobstructed view of eighty-two feet. The train was running at a speed of from thirty to thirty-five miles per hour. The head-light was burning brightly.

"Yours truly,

"W. H. CANNIFF,

"General Superintendent."

LEHIGH VALLEY RAILROAD.

November 4, 1893.—At Morgansville, a fireman was killed in a collision. The circumstances and supposed cause of accident are: Extra engine 491 west, received orders to back over at Morgansville to allow train 543 to pass. Second section, 548 east, failed to recognize flag of extra 491, and struck head on directly in front of Morgansville depot, wrecking cars and throwing them into side of No. 543, which was passing at the time. Fireman George J. Kubler, of second 548, jumped into westbound moving train, and was run over and killed. On inquiry, the company replied as follows:

"We have made full investigation of the case, and find Engineer James McGowan was responsible for the accident, and he has been dismissed from our service.

"T. H. FENNELL."

November 24, 1893.—In the matter of the accident at Burdette, November 24, 1893, Commissioner Rickard made the following report:

November 24, 1893, Lehigh Valley engine No. 604, hauling a freight train, when at a point near Burdette, and immediately after the engineer had shut off steam, exploded its boiler, tearing the crown sheet from its stays and side sheet, also door sheet down to and from a large part of the mud ring, in fact, completely destroying all except cylinder part of boiler, which resulted in the death of P. P. Billings, and seriously injuring George E. Cooley and George Henderson.

This engine was known as the "Worten" type, built at the Baldwin works, October, 1891, and according to the shop record was in good

condition for service. It was found that all the radial stays were perfect, that the entire crown sheet was more or less baggy between stay-bolt, and that the threads on stays and in crown sheet were sharp and in good condition.

From statement made by Engineer Cooley, after the explosion, and from the examination of the wrecked boiler, it is believed that Cooley's negligence or incompetence caused the explosion.

November 27.—In the matter of the accident at Batavia, November 27, 1893, on the Lehigh Valley railroad, Commissioner Rickard made the following report:

Lehigh Valley locomotive No. 490, in freight service, dropped a portion of her crown sheet at Batavia, November 27, 1893, resulting in the death of Daniel Connor. An examination of the boiler was made at the shops in Buffalo. It was found that a portion of the sheet, about sixteen inches in diameter, had sagged about five inches; this allowed the steam and water to escape through stay-bolt holes into the fire box and a portion through furnace door into the cab, with the above result. The steel in crown sheet appeared to be in good life, and the record showed that the engine at date of explosion was in good working condition. It is believed that this accident was caused by the failure of Richard Welch, engineer, to keep the water line above crown sheet.

November 30, 1893.—In the matter of the accident at Van Etten junction, November 30, 1893, which resulted in the death of two persons, Commissioner Rickard reported as follows:

November 30, 1893, engine 607, hauling an extra freight train on the Lehigh Valley railroad, in charge of Charles E. Jones, engineer, and John Layden, fireman, when at a point one mile east of Van Etten junction dropped a portion of her crown sheet, allowing steam and water to escape into the fire box and through the fire box door into the cab, fatally scalding Charles Swartout, brakeman, and Pearl Smith (not an employe), who was riding on the engine.

This crown sheet was examined at the shops of the company, at Sayre, Pa. It was found that the part that gave way was about in the center of the sheet, and had sagged at lowest point about six inches; that it was free from scale, baggy between the stay-bolts, and the threads in sheet were intact. It is evident that this sheet was uncovered and hot when it gave way, owing to the neglect of the engineer in charge, who has been dismissed.

April 5, 1894.—At Nepton, two employes killed by breaking of tire on engine. Inquiry was made as to "when tire was last turned and its thickness at that time; how many miles of service since, and of what kind of steel." The following is the response of the company:

"This accident, and the causes which led to it, have been fully investigated, and the result shows that the accident occurred through a hidden defect in the tire, consisting of a flaw about eight inches long and extending from the inside of the tire through to the thread. A thorough examination of the broken pieces shows that this occurred in the manufacture and could not have been detected by any kind of inspection, the tire breaking when worn down to a point where the flaw commenced.

"The tires on this engine were last turned in April, 1893, thickness of the tire, after this turning, one and seven-eighths inches. The engine

made 29,466 miles of service from the date of turning until breakage occurred, at which date the tire was found to be one and nine-sixteenths inches thick at the thinnest point, which is one-sixteenth of an inch above the limit at which we remove tires from service. The tire in question was made of standard steel, and was seemingly perfect; the defect being so hidden that it was not discovered until the breakage occurred.

"Yours truly,
"ROLLIN H. WILBUR."

May 14, 1894.— This accident occurred two and one-half miles north of Owego. One passenger was killed and twenty-one injured. On inquiry as to who was to blame the answer of the company was that it was caused by the trackman changing rails, leaving track insecurely spiked, and not having flags out to warn approaching trains. He was discharged from the service of the company

LONG ISLAND RAILROAD.

September 18, 1893.— On highway crossing east of Rockville Center Peter Head was struck by an engine and killed. The Board wrote the company that at an examination of this locality soon after the accident it was noticed that side track, east of the crossing, was filled with box cars close to the road; this prevents a person going south to see an approaching train until close to the tracks. The Board suggests that if box cars are placed on this siding they should be kept as far as possible from the crossing, thus obstructing the view as little as may be. This view, you will agree, should be kept clear. To which the company replied as follows:

"We note your suggestion that box cars should be placed on the siding east of the crossing so as to obstruct the view of approaching trains as little as may be, and in reply will say that this point was taken up promptly after the accident happened, and instructions issued that this siding must be kept clear of obstructions, so that persons using the crossing may have an uninterrupted view of approaching trains.

"Yours truly,
"E. R. REYNOLDS,
"General Manager."

November 20, 1893.— At Rockville Center two persons killed on crossing. On inquiry the company replied as follows:

"Accident of November twentieth, A. & W. car men, occurred on Merrick Plank Road crossing, which is west of Rockville Center Station. Crossing is protected by flagman, and trains can be observed as follows: Approaching from the north, and when 535 feet from crossing eastbound trains can be seen at a distance of 800 feet from crossing; approaching from the north, and when 765 feet from crossing, westbound trains can be seen at a distance of 923 feet from crossing; approaching from the south, and when 511 feet from crossing, eastbound trains can

be seen at a distance of 980 feet from crossing; approaching from the south, and when 345 feet from crossing, westbound trains can be seen at a distance of 643 feet from crossing.

"Yours truly,

"E. R. REYNOLDS,

"General Manager."

November 21, 1893.—At Woodlawn junction employe killed. Struck by overhead bridge. On inquiry as to whether this bridge was protected by guard, in proper condition at the time of the accident, the company replied:

"The bridge is protected by ticklers or guards, and they were at the time of the accident and are now in good condition.

"Yours truly,

"E. R. REYNOLDS,

"General Manager."

December 29, 1893.—At Corona, W. Hamilton killed on track. On inquiry as to description of the tracks at this point, and if Mr. Hamilton was returning to the station after having assisted the party on the train when struck by the incoming train, the company's reply was:

"The road is double-tracked at this point and the station provided with high platforms, which are fenced in. A train was standing on the westbound track in front of the station. The deceased was escorting a lady to this train, and instead of going to the station and taking the train in a proper manner, he came onto the company's property, by walking in under the gates at a crossing just at the east end of the station platform, walked up the track to the train, removed trap on car platform steps, on inside of track, and so assisted the lady to board the car. He then started to walk back to the crossing and was overtaken and struck by an eastbound train, which came into the station after the westbound train had got under way. The accident was due altogether to the carelessness of the deceased, who was a trespasser on the company's property.

"Yours truly,

"E. R. REYNOLDS,

"General Manager."

June 15, 1894 — At Matteawan, employe struck by overhead bridge. On inquiry the company replied as follows:

"The bridge west of Matteawan, where J. F. Coleman was injured June fifteenth, is on the Newburgh, Dutchess and Connecticut Railroad, over whose tracks trains of the New York and New England railroad are run under a trackage contract. Mr. Schultze, president of the Newburgh, Dutchess and Connecticut Railroad, states that on the date mentioned the bridge was properly protected by bridge 'guards.'

"Yours truly,

"F. E. DEWEY,

"Superintendent Transportation."

NEW YORK CENTRAL AND HUDSON RIVER.

August 30, 1893 — Canastota, employe injured, track obstructed. This man was injured by striking against the crossarm of a telegraph pole while standing on top of a car in freight train. The Board wrote that : It would seem that telegraph poles should be set in such a position as to avoid such accidents. Also if anyone connected with the road was at fault, to which the company replied :

"The crossarm of the telegraph pole was one belonging to the Western Union Telegraph Company which had recently been put on the pole and was too low. The superintendent of the Western Union Telegraph Company was instructed to have this crossarm removed.

"E. VAN ETTEN."

September 8, 1893 — At Chappaqua, two persons killed on crossing. On inquiry as to how far trains could be seen from the approach to the crossing the company replied :

"At Chappaqua from the east trains coming south can be seen for 100 feet and going north 200 feet. The view of both north and south trains approaching from the west is good.

"Yours truly,

"E. VAN ETTEN."

November 9, 1893.— At High Bridge, Oscar McDonald, injured on crossing. The Board made inquiry in reference to cars on siding obstructing the view, to which the company replied :

"The siding on which the cars stood, which may have obstructed the view, is on the New York and Northern railroad, on the east side of their main tracks, and teams using this crossing would have to cross that siding, the two main tracks of the New York and Northern road, and another siding on which no cars stand before reaching our main track. This crossing is not a public highway, but is a private crossing leading to a dock on the Harlem river.

"Yours truly,

"E. VAN ETTEN."

June 27, 1894.— This accident occurred at a stone quarry on the Lewiston branch. The particulars are as follows: A car for carrying stone from the quarry is operated by Buttery Brothers on an inclined road by means of a cable, and on the above date the brake on this car broke, allowing car to run down the incline and into side of the passing observation train, injuring five passengers. The inclined road is not owned or operated by the New York Central and Hudson River Railroad Company. The Board made inquiry of the Buttery Brothers and received the following in reply :

"Mr. Earl Buttery, of this city (Niagara Falls), operates the quarry mentioned in your letter, which is located on the bank of the Niagara river, between this city and Lewiston, and a number of feet above and a short distance back of the tracks of the New York Central and Hudson River Railroad Company. The place where the accident mentioned in

your letter occurred is at a point in what is known as the "Gorge," and where the tracks of the New York Central and Hudson River Railroad Company run along the bank of the river, we should judge about half way between the top of the bank and the river. At a point opposite the quarry in question a switch has been constructed connecting with the New York Central tracks on which cars were run when needed and loaded by Mr. Buttery. As the quarry is, we should say, fifty or sixty feet above the level of the tracks of the railroad company, it was necessary for the party operating the quarry to lower the stone down to this level by some means. This was done in this instance by means of a short inclined railway running from the top of the bank down the incline to the said switch at right angles to the said switch. This incline was double tracked and two cars were run upon the same, one upon each track, and as one car went down the other went up. These cars were controlled by machinery located at the top of the bank and in the quarry proper. This machinery was entirely safe, and proper machinery for the purpose for which it was used. At the time of the accident in question a part of the machinery broke, letting the loaded cars go down the bank without being controlled. This car reached the bottom of the said incline just as a train on the New York Central Company's road was passing by and some of the stones were thrown against and into one of the passenger coaches on said train, causing the injuries reported by the said company. This incline is no longer being used.

"Yours truly,

"CROWLEY & LAWRENCE,

"Attorneys and counselors."

NEW YORK, LAKE ERIE AND WESTERN.

September 25, 1893.—At Olean, one man killed and one injured on crossing. On inquiring as to the particulars of this accident the company sent the following reply:

"At 8:57 A. M. September twenty-sixth Mr. Clinton P. Woodard, aged 35, undertaker, and Mr. James Goodell, aged 61, assistant undertaker, with an empty hearse, attempted to drive across our tracks at Union street crossing, just west of Olean passenger station, and just as they got on the main track the hearse was struck between the wheels by our eastbound train 6. The two men were riding on the hearse and were thrown quite a distance and badly injured. The horses, having passed the track, escaped uninjured. The men were taken to the Exchange Hotel, where Mr. Goodell survived his injuries about an hour. Mr. Woodard is on the street. These parties were driving to North Olean to attend a funeral and were stopped at this crossing by our train, first section, 89, which was standing on No. 1 siding. This train, 89, had one or more cars to switch at Olean and was backing down from the spur leading from No. 1 to No. 2 track, and as soon as they cleared the crossing the men started to drive across the main track. They had been standing east of the water tank and when they started across their attention seemed to be directed straight ahead or across the tracks and were not looking out for train No. 6. This is verified by several people present. They evidently had not in

mind the approach of any train on the main track, for had they been looking they could have seen train No. 6 approaching when they were standing east of the water tank, as you will note from the tracing attached, on which is shown an elevation of the water tank, that underneath the tank itself there is an opening on each side of the center protection for the water pipe, and also that the water tank is of sufficient height from the ground for any person sitting on a hearse, or any other vehicle, to look through or between the supports of the tank. You will also note from this tracing, that from a distance of thirty-eight feet from the main track, there is an unobstructed view for 1,100 feet west of the crossing. Train No. 6 was running about seven or eight miles an hour when the accident occurred, and stopped within three car lengths. There is no protection at this crossing, but engine 69, of train No. 6, is equipped with automatic bell-ringer, which was working at the time of the accident.

"ALFRED WALTER."

October 4, 1893.—At Black Rock, flagman killed, as he stepped out of flag shanty and in front of caboose which engine 647 was pushing. The Board wrote and offered the suggestion that such accidents might, in some degree, be lessened if the doors of these shanties were made to open parallel with the tracks, instead, as most cases, directly upon it. The company replied that:

"This man Sweeney was employed by the New York Central, and bill made against us for half of his salary, and the flag shanty that he used for shelter was provided by that company. It stands on our property, between the New York Central and our tracks. The door does not open on the tracks, but is between them. Nearly all of our flag shanties stand so that the door faces the tracks, and swing inside of the building, so that a man, in leaving them, has unobstructed view in both directions.

"Respectfully,

"ALFRED WALTER."

NEW YORK, NEW HAVEN AND HARTFORD.

August 15, 1893.—At West Farms a brakeman was struck by overhead bridge and killed. In answer to inquiry the company replies that:

"The overhead bridge against which Brakeman Smith struck is fifteen feet eight inches above the top of rail, and is fully protected by our standard bridge guards. My information is that Smith climbed upon the lumber on the car between the guard and the bridge.

"Yours truly,

"O. M. SHEPARD,

"Superintendent."

April 12, 1894 — At Port Chester four employees injured in collision through operator in "tower" throwing wrong switch. On inquiry as to the particulars of the accident, the company replied as follows:

"The switches are operated from the tower. The switch referred to is the entrance from double to four-track section, and the one main

track west branch diverges into two, called 'W' and 'X.' The point is covered by route signal, two arms, indicating for which track switch is set. The advance signal is interlocked with tower in advance. The route signal is necessarily a free lever. The freight train arrived and was run in on track 'W.' When the express train following was signaled to the tower from the tower in rear, operator in Port Chester tower became confused and thought he had made a mistake, and let freight train in on 'X' instead of 'W,' the express being scheduled to run on 'X,' and in attempting to correct his supposed error he threw the switch to put the express in on 'W' when the freight train was standing near the advance signal. The freight train was in sight of the tower, but on account of the curve operator could not tell whether train was on track 'W' or 'X.' The action was inexcusable on the part of the operator, and he has been discharged from the service.

"Yours truly,

"O. M. SHEPARD,

"Superintendent."

October 1, 1893.—South of Carmel, brakeman injured by being struck by a bridge guard. The Board wrote that it would seem that these bridge guards should be set far enough back to prevent such accidents to men in the discharge of their duty. To which the company replied :

"The post was not so close to the track as to strike a man in the ordinary discharge of his duty. There is a ladder for reaching the top of the car upon the rear end, and it is not necessary for a man to lean out beyond the side of the car in order to reach the top. The post had sagged, to some extent, since erected, but not to an amount sufficient to attract attention. Being on the inside of a curve, the top of the car was thrown rather close to the post, but not nearer than in the common occurrence of passing box cars on a siding. The accident was more due to Snyder's carelessness than to the post being too close to the track. In view of the circumstances it has not been considered necessary to administer any discipline, but our roadmaster is moving all these posts to such a distance that there will not be any possibility of a recurrence.

"Respectfully,

"THOMAS WILLEN,

"Superintendent."

NEW YORK, CHICAGO AND ST. LOUIS.

September 12, 1893.—This accident occurred at Abbott Road crossing, where two employes, a roadmaster and assistant roadmaster, were run over and killed. The Board wrote, asking if there was any one on the rear end of the caboose which was backing up. They advised that all trains backing up should have some one on the rear end, to look out for just such occurrences. The company made the following reply :

"They were standing together upon one of the tracks at Buffalo Junction yard deeply engaged in conversation, just having stepped

out of the way of an outgoing freight train, and evidently did not notice the approach of engine and caboose moving on the track on which they were standing. The engine was backing down, crew being on front end and on the caboose, which they were handling. Men were observed by engineer and warning was given, both by engineer and bystanders, but, for some reason unknown, the men did not move out of the way and were struck.

"Yours truly,

"A. W. JOHNSTON,

"General Superintendent."

October 14, 1893.— This accident was the result of a collision at Hamburg siding, in which one employe was killed and another injured. The report of the company shows that ten cars were pushed onto the main track, and the engine, on which the injured men were riding, ran into them. The Board wrote: It seems to us that there can be no excuse for this accident, and that men who did not know better, or did not show more care than was displayed in the pushing of these cars out on the main track, were not fit for the position they occupied. Who did you hold in fault in the matter, and what discipline was administered, if any?

The following is the reply of the company:

"We have been unable to fully locate the responsibility for this accident, due to the fact that the conductor and brakeman, who had charge of the train doing this work, left their train immediately after the accident, and the brakeman has not since been found, he having sent in an order for his time through a notary public of the city of Buffalo; the conductor turned up four days after the accident, and made a statement to the effect that he instructed the brakeman, whose duty it was to see that cars were properly secured, to go to the extreme east end of the cars on the siding and properly secure them. This he claims the brakeman did. It is evident, however, that the cars which ran out onto the main track must have been shoved down by this crew. The cars which ran out were standing there for several days, being set off loads, and the crew who put them there claim to have properly secured them by setting brakes. The conductor, after appearing and making a verbal statement, disappeared and has not since been seen. The other employes in charge of the train, so far as we know, did their duty.

"Yours truly,

"A. W. JOHNSTON,

"General Superintendent."

ROCHESTER AND LAKE ONTARIO.

May 13, 1894.— At Forest House station, two passengers slightly injured in a collision caused by a defective switch. On inquiry the company replied as follows:

"We were using a Lorenz patent split safety switch made by the Pennsylvania Steel Company, of Steelton, Pa. We found upon

examination the bolt in the lever had worked out, which allowed the point of the switch to open sufficiently to catch the flange of the wheel, causing the accident as reported.

"Yours truly,

"J. M. LUDINGTON,

"Superintendent."

STATEN ISLAND RAPID TRANSIT.

October 7, 1893.—At Port Richmond, two persons injured on crossing. On inquiry, the company replied as follows:

"There are gates and a man to attend to same, except between the hours of 1 and 5:15 A. M. During this time only one passenger train and two freight trains pass. Station is at crossing, and crossing at these hours is little used. There is a small real estate office within fifteen or twenty feet of the track, which obstructs the view somewhat, but when about fifteen feet from the track there is an unobstructed sight line for a distance of about 2,500 feet. The party did not hear the approaching train on account of the rattle of tin milk-cans with which his wagon was loaded, and the neglect of ordinary precautions of looking and listening. The driver was in the habit of going over this crossing, and knew there was no gateman there at that hour in the morning.

"Yours respectfully,

"F. S. GANNON,

"General Superintendent."

WEST SHORE.

July 17, 1893.—At Genesee Junction, an employe was killed while under a car making repairs. This accident seems to have been the result of carelessness on the part of the deceased in not taking due precaution to insure safety. On inquiry the company states that the "blue flag" was not displayed, deceased failing to place it before going under the car.

April 9, 1894.—At Haverstraw, a man was killed on crossing. Inquiry was made as to whether the crossing was protected by gates or flagman and if the view was unobstructed. The company replied as follows:

"The crossing was not protected by gates or flagman, but the view is not obstructed in any way and we can not find that any fault lies with the employes of this road.

"Yours truly,

"J. D. LAYNG,

"General Manager."

Cases Pending before the Board of Railroad Commissioners, September 30, 1894.

CHANGE OF MOTIVE POWER.

Application of the Middletown-Goshen Traction Company.

APPLICATIONS FOR CERTIFICATE UNDER SECTION 59 OF THE RAILROAD LAW.

Amsterdam, Johnstown and Gloversville Railroad Company.
Philadelphia, Honesdale and Albany Railroad Company.

COMPLAINTS.

G. M. Tremaine v. Western New York and Pennsylvania Railroad Company, alleged unsafe condition of Goose creek trestle.

Thomas W. Stevens v. The Lebanon Springs Railroad Company, alleged unsafe condition of road.

L. J. Rossman v. The Kinderhook and Hudson Railroad Company, in matter of proposed closing of Rossman station.

The Long Island Railroad Company v. The Brooklyn City Railroad Company, in matter of crossing tracks at grade at New Flushing avenue.

James P. Malloy v. The Union Railway Company, alleged discourtesy on part of employes.

B. J. Cummings v. The Western New York and Pennsylvania and New York Central and Hudson River Railroad Companies, alleged overcharge on freight.

G. E. Harmon v. The New York Central and Hudson River Railroad Company, in matter of fences destroyed by fire along line of his property.

Peter V. Ketcham v. The Long Island Railroad Company, in matter of crossing at Farmingdale.

John G. Pugh v. Buffalo, Rochester and Pittsburg Railroad Company, in matter of fences along line of property.

A. Bird v. The Delaware and Hudson Canal Company, in matter of toilet rooms at Sidney station.

Residents village of Deposit v. New York, Lake Erie and Western Railroad Company, relative to engine standing under bridge.

LENGTH OF STEAM RAILROADS

IN OPERATION JUNE 30, 1894.

Small capitals indicate lessees; indentations indicate leased or operated lines.

| Name of Company. | Miles in N. Y. State |
|---|-------------------------|
| Addison and Pennsylvania..... | 10.50 |
| Attica and Freedom..... | 33.00 |
| Bath and Hammondsport..... | 10.00 |
| BOSTON AND ALBANY..... | 39.30 |
| Hudson and Chatham (owned)..... | 17.33 |
| Brooklyn, Bath and West End..... | 6.64 |
| Brooklyn and Brighton Beach..... | 7.50 |
| Brooklyn and Rockaway Beach..... | 3.50 |
| Buffalo Creek..... | 5.82 |
| Buffalo Creek Transfer..... | 1.10 |
| BUFFALO, ROCHESTER AND PITTSBURG (owned)..... | 166.18 |
| East Buffalo Terminal Railway (owned)..... | .10 |
| Lincoln Park and Charlotte (owned)..... | 10.89 |
| Perry..... | 1.03 |
| CATSKILL MOUNTAIN..... | 15.73 |
| Cairo..... | 3.77 |
| CENTRAL VERMONT: | |
| Ogdensburg and Lake Champlain..... | 118.00 |
| Saratoga and St. Lawrence..... | 8.50 |
| St. Lawrence and Adirondack..... | 10.50 |
| Central New York and Western..... | 62.74 |
| CHATEAUGAY..... | 18.01 |
| Chateaugay Railway..... | 38.89 |
| Plattsburgh and Dannemora..... | 15.92 |
| Chautauqua Lake..... | 23.85 |
| CLOVE BRANCH..... | 4.25 |
| New York, Boston and Montreal..... | 4.01 |
| Connecting Terminal..... | 1.00 |
| COOPERSTOWN AND CHARLOTTE VALLEY..... | 9.00 |
| Cooperstown and Susquehanna Valley..... | 19.48 |

LENGTH OF STEAM RAILROADS.

105

| Name of Company. | Miles in N. Y. State. |
|---|--------------------------|
| Crown Point Iron Company | 12.84 |
| DELAWARE AND HUDSON CANAL COMPANY: | |
| Adirondack | 56.95 |
| Albany and Susquehanna..... | 142.59 |
| Cherry Valley, Sharon and Albany | 21.04 |
| Lackawanna and Susquehanna (owned) | 17.65 |
| New York and Canada and leased lines | 149.94 |
| Rensselaer and Saratoga and leased lines | 155.15 |
| Schenectady and Duanesburgh..... | 13.79 |
| Schenectady and Mechanicville (owned)..... | 9.93 |
| DELAWARE, LACKAWANNA AND WESTERN: | |
| Cayuga and Susquehanna..... | 34.41 |
| Greene..... | 8.10 |
| New York, Lackawanna and Western..... | 207.79 |
| Oswego and Syracuse..... | 34.98 |
| Syracuse and Baldwinsville..... | 6.00 |
| Syracuse, Binghamton and New York | 81.00 |
| Utica, Chenango and Susquehanna Valley. | 97.41 |
| Valley | 11.64 |
| ELMIRA, CORTLAND AND NORTHERN | |
| Canastota and Northern..... | 20.73 |
| FALL BROOK: | |
| Corning, Cowanesque and Antrim..... | 15.00 |
| Penn Yan and New York | 6.43 |
| Syracuse, Geneva and Corning..... | 57.75 |
| FITCHBURG: | |
| Saratoga and Schuylerville Branch | 25.52 |
| Troy and Bennington Branch..... | 5.04 |
| Fonda, Johnstown and Gloversville | |
| ..... | 26.17 |
| GRAND TRUNK: | |
| United States and Canada..... | 22.18 |
| Grand View Beach (electric) | |
| ..... | 7.50 |
| Greenwich and Johnsonville | |
| ..... | 14.65 |
| Island | |
| ..... | .13 |
| Kanona and Prattsburgh | |
| ..... | 11.44 |
| Keeseville, Ausable Chasm and Lake Champlain | |
| ..... | 5.64 |
| Kinderhook and Hudson | |
| ..... | 16.23 |
| Lake Champlain and Moriah | |
| ..... | 9.00 |
| Lake Shore and Michigan Southern | |
| ..... | 71.00 |
| Lebanon Springs | |
| ..... | 51.18 |

| Name of Company. | Miles in N. Y. State. |
|---|--------------------------|
| Lehigh and Hudson River..... | 14.50 |
| Lima and Honeoye Falls | 4.62 |
| Little Falls and Dolgeville | 10.50 |
| LONG ISLAND | 277.36 |
| Brooklyn and Jamaica..... | 9.58 |
| New York, Brooklyn and Manhattan Beach | 20.05 |
| New York and Rockaway..... | 9.01 |
| Smithtown and Port Jefferson | 18.98 |
| Stewart | 16.44 |
| Prospect Park and Coney Island | 6.23 |
| New York and Coney Island..... | 2.41 |
| Prospect Park and Sea Beach..... | 1.1 |
| Marine..... | .33 |
| Middleburgh and Schoharie..... | 5.75 |
| Middlesex Valley | 22.00 |
| Mt. McGregor | 10.50 |
| Newburgh, Dutchess and Connecticut..... | 58.84 |
| NEW JERSEY AND NEW YORK..... | 17.63 |
| New Jersey and New York extension | 2.37 |
| New York Central, Hudson River and Fort Orange..... | .60 |
| NEW YORK CENTRAL AND HUDSON RIVER..... | 819.45 |
| Albany Branch | 11.04 |
| Athens Branch..... | 6.16 |
| Buffalo Creek Branch..... | 1.29 |
| Carthage and Adirondack | 43.00 |
| Dunkirk, Allegheny Valley and Pittsburg..... | 42.30 |
| Fuller's Branch | 5.07 |
| Herkimer, Newport and Poland..... | 16.40 |
| Port Morris..... | 1.85 |
| New York and Harlem..... | 126.96 |
| New York and Northern..... | 57.18 |
| Rome, Watertown and Ogdensburgh | 412.55 |
| Rockland Lake | 1.15 |
| Niagara Falls Branch..... | 8.74 |
| Carthage, Watertown and Sacketts Harbor | 29.59 |
| Oswego and Rome | 28.49 |
| Mohawk and Malone..... | 166.10 |
| Utica and Black River..... | 149.81 |
| New York and Mahopac | 7.09 |
| Mahopac Falls Branch | 4.05 |

| Name of Company. | Miles in N. Y. State. |
|---|--------------------------|
| NEW YORK CENTRAL AND HUDSON RIVER — (Continued). | |
| Troy and Greenbush..... | 6.00 |
| Spuyten Duyvil and Port Morris | 6.04 |
| West Shore..... | 451.64 |
| Gouverneur and Oswegatchie | 13.50 |
| NEW YORK, CHICAGO AND ST. LOUIS... | 68.07 |
| NEW YORK, LAKE ERIE AND WESTERN | 504.44 |
| Avon, Genesee and Mt. Morris..... | 17.70 |
| Buffalo, Bradford and Pittsburg | 7.84 |
| Buffalo, New York and Erie..... | 140.25 |
| Buffalo and Southwestern..... | 66.36 |
| Elmira and State Line | 6.50 |
| Goshen and Deckertown | 11.64 |
| Lockport and Buffalo | 15.12 |
| Middletown and Crawford..... | 10.22 |
| Montgomery and Erie | 10.43 |
| Conesus Lake..... | 1.50 |
| New York, Pennsylvania and Ohio | 49.24 |
| Northern Railroad of New Jersey | 5.82 |
| Ramapo and Union..... | .80 |
| Rochester and Genesee Valley | 12.40 |
| Suspension Bridge and Erie Junction | 24.01 |
| NEW YORK, NEW HAVEN AND HARTFORD | 14.04 |
| Harlem River and Port Chester..... | 11.50 |
| NEW YORK, ONTARIO AND WESTERN | 318.77 |
| Ontario, Carbondale and Scranton..... | 2.91 |
| Rome and Clinton..... | 12.78 |
| Utica, Clinton and Binghamton | 31.30 |
| Wharton Valley | 6.80 |
| New Berlin Branch. | 29.00 |
| Delhi Branch | 17.00 |
| Ellenville Branch | 8.00 |
| New York and New England..... | 30.47 |
| New York and Rockaway Beach | 11.62 |
| New York and Sea Beach | 6.00 |
| NEW YORK, SUSQUEHANNA AND WESTERN: | |
| Middletown, Unionville and Water Gap..... | 13.90 |
| Northern Adirondack | 55.00 |
| NORTHERN CENTRAL (of Pennsylvania) : | |
| Elmira and Lake Ontario..... | 99.61 |
| Elmira and Williamsport..... | 6.50 |

| Name of Company. | Miles in N. Y. State |
|--|-------------------------|
| Orange County | 10.70 |
| Owasco River..... | .50 |
| Otis Elevating Railway | 1.25 |
| Pennsylvania, Poughkeepsie and Boston..... | 3.78 |
| PHILADELPHIA AND READING : | |
| Hayts Corners, Ovid and Willard | 3.83 |
| Central New England and Western | 53.04 |
| Hartford and Connecticut Western | 42.50 |
| Lehigh Valley | 413.00 |
| Southern Central | 115.03 |
| Waverly and State Line..... | .40 |
| Port Jervis, Monticello and New York..... | 41.05 |
| Poughkeepsie and Eastern..... | 34.99 |
| Glen Haven | 3.44 |
| Rochester and Lake Ontario..... | 6.05 |
| Schoharie Valley..... | 4.38 |
| Seneca Electric | 4.00 |
| Seneca Falls and Cayuga Lake..... | 2.50 |
| Silver Lake..... | 6.86 |
| Skaneateles | 5.00 |
| Sea View..... | 1.00 |
| Southfield Branch | 1.00 |
| STATEN ISLAND RAPID TRANSIT | 10.30 |
| Staten Island | 12.70 |
| Sterling Mountain..... | 7.60 |
| ULSTER AND DELAWARE | 77.61 |
| Kaaterskill | 7.50 |
| Stony Clove and Catskill Mountain..... | 14.30 |
| Delaware and Otsego | 8.79 |
| Western New York and Pennsylvania | 328.18 |
| Wellsville, Coudersport and Pine Creek | 10.12 |
| Wallkill Valley | 32.88 |
| Total | <u>8,034.14</u> |

INSPECTIONS.

The following reports are condensations made by the inspector from his field notes. The field notes themselves are filed in the office of the Board, and show in very much greater detail the condition of the structures and roadbed.

ADDISON AND PENNSYLVANIA RAILWAY.

This road was "broad gauged" last fall. It extends from Addison, N. Y., where connection is made with the New York, Lake Erie and Western railroad, to Galetton, in Pennsylvania, a distance of forty-six miles, ten and one-half miles of which are in this State. The improvements necessitated by widening the gauge have been many. Nearly all of the structures have been renewed and made stronger. Sixty-pound steel is largely laid, though some fifty-six pound was noted. At Addison was noted a new metal turntable sixty feet long, an addition to the passenger station, and some new siding. The inspection began at the State line. The sleeper life is generally strong, though short spaces were noted where the ties should be renewed immediately, many being not able to hold a spike. The highway grade-crossing signs were found in good condition. There is no ballast of moment upon this road, the track adjustment in consequence is only fair. Not enough attention is given to the joint fastenings or spiking upon the structures. There are a number of mountain streams crossed by trestle work. These streams in freshet time are particularly dangerous to the bents, which, in some instances, are not parallel with the flow of the water. It is suggested that girder or truss spans be constructed at each of these points, so as to give ample waterway. Piers of stone at present support the bents, but the material in the bed of the streams is susceptible of easy displacement, and there is great danger of washout and accident during flood time. The above suggestion is necessitated the more because of the steep grades of the creek bed, the shifting nature of the sub-material, and the liability of heavy driftwood and logs being washed down the mountain sides. The smaller structures, which have stringers not directly under the rails, should be overhauled, and the approaches also widened and made secure. The Dignan trestle, twenty-nine bays, over ravine and creek, is on a curve and in a dangerous location in time of high water, as referred to above. The timber is large and ample in dimensions, and all bents rest on piers of small masonry. The Freeman trestle, seventeen bays long over highway and creek, is about two years old, and upon a curve. Attention should be given this structure as regards its location. The Bear Gully trestle is thirteen bays, about forty feet high and over an angry mountain stream. There should be a long span over

the creek, sufficient to amply pass all the water and driftwood possible. The stringers are two, eight by sixteen inches, and the floor ties, guard rail and tie guards are in good condition, as are the bents and piers. The sills of some of the smaller structures should be uncovered and examined. The structure over the Tuscarora creek should be overhauled at once, and bolts placed and tightened. The rails should be properly spiked and the north end put in safe condition. This creek is a swift, shifting, dangerous stream, and more stable work should be constructed at this point. Over the Canisteo creek or river are two spans of Howe through trusses, erected new since the last inspection in 1892. The timber in this structure is not of the best, and the track should be surfaced and relined upon it. Pile bridge approach was found strong and in good condition upon the south side. Not enough care is given to these structures as regards proper supports, spiking, alignment, joint fastenings and the approaches. The fences are well maintained, largely of boards and posts. The ditches need some attention, and ample sub-drainage would assist greatly in keeping the track in a better state of adjustment. The only stub switch on the main line should be removed, it is at the glass-works, and should be replaced by one of modern make.

BATH AND HAMMONDSPORT RAILROAD.

This road is standard gauge, laid with steel rail, sixty pounds per lineal yard, and extends from Bath, where connection is had with the New York, Lake Erie and Western and the Delaware, Lackawanna and Western railroads to Hammondsport at the southerly end of Keuka lake, a distance of 9.33 miles. The ballast is gravel, and very well placed and cared for. The track adjustment is very good, particularly upon the curves. Some short sleepers are still retained, but should be replaced with the standard size without delay. This is promised by the general manager. Many of them are still in strong life, but do not give sufficient bearing. The switches are all of the point pattern and well maintained. The warning signs were found in general good form, location and condition, except paint. The road is very well ditched and drained. Some of the farm grade crossings were noted in need of good planking. The fences were found well maintained, consisting largely of wire and posts and boards. The sleeper life is as a rule very strong, only a few comparatively were noted much decayed. Two thousand have been placed this year, mostly oak. The motive power is not heavy. The cross ties average about fourteen per rail length. Grass and weeds have been cleared away along the entire line. At Hammondsport a new engine-house and machine shops have been erected. One new engine has been purchased since 1892. About 250 feet of new siding has also been laid since last inspection. The passenger stations were all found in good repair, neat and clean. The flag stations are to be removed because of the depredations committed by tramps and idlers along the line. The structures were carefully examined. The floor ties upon a few were noted too far apart for positive safety. A few of the small open cattle guards were found with the stringers not directly under the rails, and quite a number could be filled and cast-iron pipes inserted, particularly where they are used for drainage. Some of the openings were found

without tie guards. A derailed truck at these points might easily be the cause of much damage. The tie guards should be bolted to the floor ties, not spiked, as was noted in not a few instances. If the small openings are not watched carefully, and the timber and rails kept in proper place accidents will surely ensue. One opening about fifteen feet span over creek should be attended to immediately. One abutment overhangs and should be taken down, relaid and "wings" extended far enough to protect the masonry from wash, on account of the angle upon which the creek is crossed. Another structure near by also needs attention, as the wall overhangs, and should be relaid. The stringers upon all the structures, as well as bents and floor ties, were noted in good life. The road is, as a rule, well maintained.

BOSTON AND ALBANY RAILROAD.

Main Line.

Considerable improvement was noted on this road since the last reported inspection in 1890, including a new passenger station at East Chatham which, though not large, is perhaps ample for many years. It is of modern design (stone) and fitted with many conveniences. Ninety-five pound steel rail, five and one-half inches base, five inches high and three inches ball, has been laid between East Chatham, upon the east bank or No. 2 track, and the State line some eight miles since May first last. Two kinds of tie plates are being tried. The "Churchward" tie plate has a shoulder immediately between the spike and rail base, which acts as a brace upon curves and is thought well of by the officials. The "Servis" plate is also used to considerable extent. The officials informed your inspector that the plates were giving good satisfaction. All of the rail upon the westbound track is now ninety-five pound, except between Chatham and East Chatham in the State, and all this weight of rail has tie plates. Considerable cast-iron pipe has been placed at small openings. Thirty thousand sleepers have been placed this year and the tracks are certainly in extra condition as regards ties. At Chatham some 450 feet of siding has been laid, also new water tank erected. The fences, largely of posts and boards, are well maintained. The warning signs at highway grade crossings are very well maintained. Two were noted at each crossing. The grass and weeds are cut and the right-of-way upon day of inspection presented a neat and orderly appearance. The switches are all "split point," in good condition and "tailing" upon each track. The adjustment of track is extra. The curvature is large and great care is constantly given to keep the outer rails in proper position. The passenger stations were all found in good condition as were the grounds adjacent. The structural bridging was found in excellent condition. Aside from clearing out the bridge seats and narrow flanges little can be said in criticism. The substructures are all of heavy large stone well and permanently laid. No movement or cracks were noticed. Bridge 193 is a deck plate girder forty-five feet span, erected last year. The floors upon all bridges are of Georgia pine well spaced and in strong life, as are the tie guards. The smaller openings are spanned by I-beams and maintained strongly. Each tie on bridge floors were noted spiked.

y of the railroad companies in the State do not consider this necessary, but it would seem positively necessary for safe condition and proper maintenance.

Hudson and Chatham Branch.

Standard gauge, seventeen miles long and single track. The switches are all of the stub pattern except at the junction with the Kinderhook and Hudson railroad. An effort is to be soon made to renew all the switches with those of safety pattern. The fences were noted "up" and in good condition, except where maintained by the adjacent property-owners. There has been no ballast placed since 1892. The rail is all steel and sixty-two or five pounds per lineal yard. One and three-fourths mile of seventy-two pound steel was laid last month. The ballast consists of small sand and gravel, some cinders were also noted. The track adjustment, considering the ballast material, was found good. The road is well ditched and grass and weeds removed. The warning signs were found up and in good condition. The pit cattle guards should be filled in and slats substituted. Braces were noted upon the curves. The sleepers are mostly chestnut, closely spaced and in general strong life. Near milepost 15 are two span of through lattice with false work yet in place, 125 feet each. It was formerly an old Howe truss bridge. Near milepost No. 7 is a new deck plate girder, sixty-foot span, erected within two months; it is over water and all in extra condition. Some of the minor openings have wooden stringers yet. I-beams should be placed in their stead without delay. A small outlay of money would place this road in extra condition. The guards should be placed upon all bridge floors. Near Pulvers Station was noted a small opening with poor ties and stringers. Should be removed without delay and officials said it would be. There are some eighteen openings in the roadbed besides open cattle guards. Nine minor openings still have wooden stringers. T-rail could be utilized at the shortest of these with little expense. The passenger stations were all noted in good condition except the matter of paint.

BROOKLYN, BATH AND WEST END RAILROAD.

The change anticipated in the report of 1893, viz.: Electric-trolley system, has been accomplished, and November eleventh last the trolley cars began running. At the Coney Island end an extensive "loop" has been constructed by which ample accommodations for handling large crowds are assured. Repairs were being made upon day of inspection to crossing plank, platforms and the like. The roadbed is in very good condition. The cars have two thirty-horse-power motors each. Trailers will be run. The officials informed your inspector that traffic, as compared with that over the steam road, had increased some fourfold, and that the public generally was very much pleased with the change.

The suggestions made in the last report are being carried out, and by the opening day of summer business the roadbed will, the officials say, be in extra condition. The return current is made by "bonding" the rail joints and utilizing the rail. This method gives good satisfaction, and is liked much better than the continuous ground wire

between the rails. The stations are generally in good repair. Care should be taken to keep the timber supporting the platforms in strong life.

BROOKLYN AND BRIGHTON BEACH RAILROAD.

No change of any moment has been made since last inspection in 1893. The question of connection with the Kings County Elevated is all-absorbing at the present time, and it is thought that work will be commenced this spring. The iron supporting material is said to be ready for erection. The favorable action of the city council is the only thing needed at present. If this connection is consummated the public will certainly be greatly benefited. The method of utilizing city ashes is still in vogue, and large quantities are handled each week for filling purposes. The structure of the boulevard is in good condition, and will be much better before the summer opening. Bents are to be placed half way between the present ones, and repairs made generally. Considerable work is being accomplished in protecting the water front at the Brighton end. Much money is wasted at this point every year or two, owing to the inability of those in charge to see economy in erecting a staple sea wall. There are a number of overhead street bridges along the line of road, and all were in apparent good condition. Considerable ditching is necessary, and this is to be accomplished the coming month.

BUFFALO, ROCHESTER AND PITTSBURG RAILROAD.

Main Line.

This road is single track, standard gauge, extending from Rochester to the State line south of Ashford junction, and from this junction to Buffalo Creek railroad junction. There has been no extension of line in this State. The improvements since the last inspection have been great, including six miles of new siding. Twenty-two thousand ties were laid between Rochester and Ashford, thirty thousand between State line and Buffalo last year, and a considerable number yet to be placed this year. Most of the switch timbers upon the entire line have been renewed; there are now no stub switches out of the main track; the fences have received considerable attention. The item of ballast placed has been large, and before the coming fall the road will, it is said by the chief engineer, be in extra condition. The warning signs were found "up" in good form; the ditches have received considerable attention along the entire line. Eighty-pound steel rail is the standard now, and ten miles have been laid on the Rochester division, and five miles have so far been placed on the Buffalo division, with more to follow this year. The passenger stations were found in the same good general condition, with many platforms renewed — neat, clean and orderly. Bridge No. 1, which swings over the Erie canal, has been reinforced. No. 4 is a pile bridge, and has been overhauled and end bents renewed. No. 5, a pile bridge, has two new bents; outside stringer has been renewed in bridge No. 6. New stringers were noted in No. 8. No. 9, a pile bridge, has received some new ties and two eight by sixteen-inch new stringers. No. 16 has new floor ties. The

masonry on the Rochester division has been repaired and "pointed up" to some extent, but much more is needed. No. 22 is trestle, some twenty feet high and 400 feet long; has new floor ties and a few new stringers. It is upon a curve and ought to be filled. No. 23 is a combination of iron, stone and wood, over Allen's creek, and has been overhauled and new floor timbers placed on the iron span. The "sills" should be uncovered. This is true of a large number of wooden structures. It precludes examination, and is dangerous; the constant change from dryness to moisture decays the timber, and a bad settlement might occur at most any time. It is suggested that every sill be uncovered without delay. No. 25 is a ten foot opening, and has been repaired with one new stringer. New stringers have been placed upon bridge No. 27. A new floor was noted upon No. 29. No. 30 needs new tie guards. No. 33 should have new stringers (yellow pine). No. 35 was three bays of pile bridging, but is now framed bent supports, piles having been cut down. Near No. 29 is a cattle pass, eight feet wide, which has new bents; tie guards are also needed. No. 41 is a long trestle, 1,000 feet. It has been overhauled and renewed, with bents and stringers; one-half of this trestle should be filled. No. 43 is a trestle of twenty-eight bays near Rock Glen station; it has been somewhat repaired; this structure should be filled at once; no delay should be allowed. No. 46 has new bents, and generally overhauled recently. No. 47 is pile bridge, with two openings, fifteen-foot centers. These piles should be cut down and bents inserted. New stringers and floor ties were noted upon No. 50. No. 51 has a new floor. No. 53 has new stringers and ties. No. 54 is same as previously reported. No. 55 has new "lagging;" new floor ties are needed; should fill one bay of No. 57. No. 60 has new stringers covered with sheet iron; the bents are in the bed of creek; high water and driftwood might do great harm. There are a number upon the road situated as this is, and steps should be taken to replace with masonry and iron, allowing full width for waterway. This is a general condition throughout the State, and is the direct cause in too many instances of serious danger to the traveling public, particularly where the bents are not in proper alignment with the flow of the water. No. 75 has new stringers and is in good form. No. 76 is twelve bays of trestle; piles have been cut down and new stringers placed. The iron structures have received considerable attention but some were noted needing paint. No. 109, an iron pin connected bridge 120-foot span, has new floor ties newly painted and repaired generally. The iron viaduct over the Cattaraugus creek, 156 feet high, has received considerable attention recently. The masonry has all been pointed, new track stringers have been placed, three new pedestals placed and general overhauling has been accomplished. It is watched, the chief engineer informed your inspector, very carefully. One pier upon the east bank, while safe now, should receive constant attention. A longer span should be inserted and the pier moved inland. The bank upon this side of the stream is of a "shaly" nature, quite high, abrupt, and subject to "sluffing" away. The heavy class of locomotives are not allowed upon this structure, and all trains slow down to four miles per hour in passing. While the officials, no doubt, keep a very close watch upon this structure, it would seem some competent

person should be kept constantly at this viaduct, as is the case at similar structures throughout the State. Eighty-pound steel rail is to be laid this year between the Lehigh junction and the Delaware, Lackawanna and Western junction — ten miles. The joints are upheld by three ties where this heavy rail is laid. The station at Wyoming was recently struck by lightning and burned to the ground. A new building will be erected soon. The switch signals should be repainted as soon as possible. Quite a number of small structures have been filled and pipes placed, and a large number have been repaired. The renewal of ties, while large, should be increased considerably.

Charlotte Branch.

This branch extends from Lincoln park, Rochester, eleven miles to Charlotte, at Lake Ontario. It also has connection with the Rome, Watertown and Ogdensburgh railroad. This branch is now five years old. It is used for freight traffic only. Considerable filling has been accomplished since last inspection, in 1892. The structures remain in the same excellent condition as in 1892. The permanent maintenance of this branch is good in all respects. Trestle No. 2 was 2,040 feet long—700 feet have recently been filled. No. 3 was 3,350 feet in length and is now but 1,000 feet long.

CLOVE BRANCH RAILROAD.

This is a single track road, four and one-quarter miles long, between Clove Branch junction with the Newburgh, Dutchess and Connecticut railroad and Sylvan Lake. The New York, Boston and Montreal railway is three and thirty-one hundredths miles long, and is a continuation of the Clove Branch railroad from Sylvan Lake to Clove Valley. It is leased and operated by the Clove Branch Railroad Company. The question as to whether it should be abandoned or not, your inspector was informed by Mr. Schultze, the president, is still under consideration. The iron mines upon its lines furnish its entire support. The rail is iron, much worn, and fifty-six pounds per lineal yard. Stub switches abound. Passengers (very few) are carried in the caboose at the end of the freight train. Six to ten miles per hour only is made, and great caution is exercised. About 2,000 tie renewals will be made this year, all yellow pine. If the road is to be operated in the future much more attention should be given the roadbed and structures. The ballast is slack and poor. The fences are fairly well maintained. The track adjustment, considering the iron rail and age, is very fair. There are no stations maintained; train stops anywhere on signal. There are some five small openings between the junction and Sylvan Lake, and everyone of them should be overhauled without delay. One thousand ties will be placed upon the New York, Boston and Montreal end this year. The fifty feet pony through truss (wood) across creek should be renewed. The trestle approaches and Queen truss bridge, about 200 feet total length, is on a curve and which was, it is said, renewed in 1892, should be overhauled now. Next is a truss girder bridge over a highway and appeared in good condition but should be carefully watched.

DELAWARE AND HUDSON CANAL COMPANY'S RAILROADS.

The present inspection includes all the lines owned or operated in this State, with the exception of the Adirondack division, fifty-seven miles long, which was examined last year. Since the last reported inspection of this company's roads in 1890 great improvements have been made, and much more is to be accomplished in the near future.

Saratoga to the State Line Near Rouses Point — Main Line.

This line is principally single track and about 152 miles long. From Saratoga to Whitehall, thirty-nine miles, is now double track. Many betterments were noted, including transition upon all the curves over three degrees. Eleven new signals (electric) for highway grade crossings. Twenty-two miles of eighty pounds per yard steel rails have been laid between Saratoga and Whitehall, and eighty-seven miles from the latter place upon the single track northerly. Along the lake front a large amount of riprap has been placed protecting the slopes and consisting of very large fragments of marble. Willow trees also are being experimented with for protecting the embankments against wave action and proving quite satisfactory, some twenty-five miles are thus protected. Relining by instrument on the entire line has been accomplished since 1890. A large quantity of good, coarse gravel ballast has been placed since the last reported inspection in 1890. The rock cuts along this line are being carefully watched, and upon day of inspection, September twelfth, a gang was noticed cleaning and trimming all loose material away. There is a large amount of rock face to take care of, and much of it is quite high. The officials assured your inspector that all loose material is carefully watched and removed frequently each year. The highway warning signs were found up, well painted and in good position generally. The clearance posts at sidings were covered by the new ballast in many instances; they consist of old rail pieces placed on end in the ground, and make excellent posts; they are to be raised by chain and lever so as to be seen. A plank nailed upon the ties at the proper distance is utilized by some of the roads. Posts are objected to, because of danger from tripping over. The sleepers were found in strong life. They are of good cross section and closely spaced. There have been renewals upon this line of about 400 per mile this year. As compared with former years under the old management, this line is amazingly better, and the proposed improvements when completed will place it in extra condition. The adjustment of track is most excellent, and with the recent attention paid to the curves makes it a very easy riding and safe track. The fences are maintained quite largely by the abutting landowners, and while instances were noted where repairs and renewals are needed, yet this item is in a good state of maintenance. The cattle guards and cross fences at highway grade crossings were noted in very good condition. There are five facing switches between Saratoga and Whitehall. The grass, weeds and brush were noted well cut and removed. Very few loose spikes and bolts were noted, the joints are two-tie. The angle plates are very heavy and strong, and great care is evidently taken with them. Whistle, and crossing posts were noted along the line all in good condition, well painted and in good location. Switch targets, while painted frequently, were noted upon day of inspection needing paint badly. The red paint used seems to fade

rapidly, and an effort should be made to obtain a paint or mixture that will last. The officials informed your inspector that they had been painted four times this year. The eighty-pound rail, placed since 1890, has a cross section of five-inch base, five inches high and two and one-half-inch ball. The curves are all braced well, and ties twenty inches center to center. Safety switches of the "split point" pattern are in use upon this entire line. There are too many highway grade crossings having poor plank; considerable renewal of this item has been accomplished, but more is needed. Spare rail (while not in place every mile, as is the custom upon many roads in the State), are kept for renewal at the end or near each track section. The controlling grades are thirty-two feet per mile. It is a pleasure to note that this entire line has been ballasted with good coarse gravel and the shoulders filled out. Instances were noted where the embankments need widening a little. The ditches have received considerable attention, and, as a rule, are well opened and free from obstructions. New water tanks were noted, with cement masonry support. This is wise construction, for the timber posts, sills and caps used throughout the State do not last long, and the frequent renewals are very costly. One section of this line, about seven miles in extent, is curving and almost entirely in rock cut. Great care is given in removing loose fragments of stone; instances were noted needing immediate attention. Many of the fragments, while apparently about to fall at any moment, require great force to dislodge them. Trees upon the brink should be carefully removed and all loose material around or near them. The gang having this item in charge no doubt do the best they can, but eight men would not seem a sufficient number, considering the great amount of rock facing to be kept free along this line. Near Plattsburgh the line is ballasted with cinders to some extent. North of Plattsburgh sixty-seven-pound steel rail abounds. The guard rails at switches are well braced and the long stand timbers are generally in extra condition. The passenger stations were inspected haphazard and found very well maintained, neat and clean, and the accommodations, generally speaking, ample. Smith's Basin station was erected new in 1891. At Whitehall a new brick station building was erected in 1892, was found neat and clean and having modern conveniences. Westport, Port Kent and Rouses Point stations have been remodeled and greatly improved. A new side track and freight-house were noted at Port Douglas. The minor openings upon this line are covered with solid rail, and old rails are also utilized as stringers, the number being proportionate with the span. All rest upon large stone masonry well made and in extra form. Yellow pine timber is used for floors and tie guards, and little cause for criticism could be found. Cinders and dirt were noted in some instances needing removal from ends of girders and trusses at bridge seats, and along lower chords. Not a little of the iron and steel bridging was noted needing paint. The bridges over the north and south branches of the Hudson river were found by casual observation to be in good condition, and the sub-structural work large, heavy, and in good form. Bridge No. 41 is a through lattice riveted or 100-foot span over the Champlain canal, in good order but needs paint. No. 61, near Smith's Basin, is a deck plate girder and needs cleaning. No. 65, is a 165-foot through pin connected truss bridge upon quite a heavy skew over the Champlain

canal. A new truss was placed on northbound track in 1890. Bridge No. 68 was covered since last reported inspection. Near milepost R. P. 111, 5,000 feet of trestle have been filled since 1890. Some thirty-eight small openings have been covered with rails or cast-iron pipes, placed and filled in this year, and since 1890, about seventy-five have been treated in a like manner. Where the openings are covered with rail over six-foot span, two tiers are placed. Bridge No. 4 is a deck plate girder on good masonry, but needs paint. No. 8 was the Dresden trestle, and has been filled in the last two years. No. 9 was a trestle 800 feet long, and was filled last winter. No. 11 was 700 feet of trestle work, and filled last winter. This trestle was 100 feet high and gave great trouble to maintain. Near milepost 98 R. P., seventy feet of trestle was noted filled since 1892. No. 14, 50-foot trestle, was noted filled since 1892. The trestle work leading to and from the boat landing at Fort Ticonderoga is upon a sharp curve, and while overhauled this year quite extensively, and only used during the summer months, yet if its position is not bettered it should be filled as soon as possible. The oldest timber is said to be seven years. The old jack-knife draw-bridge over the outlet of Lake George is to be replaced by a center swing-bridge of modern design. It is on false work now and it is hoped will be completed very soon. The tunnels were noted in good condition. The overhead bridges all have tell-tales and were noted in general strong life. No. 23 is a 100-foot deck lattice girder, over water, and needs cleaning; otherwise it is in good form and condition. It was formerly a two-span bridge, one lattice and one plate girder. The half-through plate girder in Port Henry yard, about twenty-foot span, was found in good order. Near milepost 73 R. P., is a trestle of 480 feet on dock, all new, twelve feet center to center of caps and has corbels. The stringers are two, eight by fourteen inches and oak floor. It is on a curve and the only trestle upon the main line. The dockowner, it is said, will not sell or permit it to be filled. Sailors Portland cement is used in masonry work and it is pleasing to note the excellent material and workmanship. No. 34 is a through-riveted bridge of 150-foot span, built in 1874, and lately reinforced; has new floor system and is on very fair masonry. No. 37 is a deck-riveted truss, 160-foot span, built in 1874, now reinforced. The abutments are the old "T" style and quite narrow; should be cleaned on upper and lower chords. It is over a stream. New tie guards and paint are needed at bridge No. 38, which is a deck-riveted truss 140-foot span; also needs cleaning on chords. Much of the bridging is supported without cushion blocks upon bridge seats. No. 43 is a 100-foot deck-riveted truss bridge; new this spring. It has ample metal and is of good design; was an old truss, too light. No. 48 is a sixty-foot deck-plate girder bridge in place of an old deck-riveted truss, too light. Between Chazy junction and Rouses Point a number of the small openings need new floors and general attention; some could be closed up. The officials informed your inspector that next year would see many of these made permanent. With the exception of the draw span over the Champlain river, near Cooperville, which was erected in 1874 and recently strengthened, all the openings between Chazy junction and the State line are minor. The masonry is most excellent.

Albany to Binghamton, Main Line.

This line is 142 miles long. Is single track except sixty-five miles of double. The improvements upon this line over former years are many and expensive, including sixty small openings closed last fall. Large renewal of ties, consisting of yellow pine, white oak and chestnut; thirty-five sets of split point switches since April this year. A large amount of eighty-pound steel rail, new masonry and ballast. The sleepers were noticed as a rule in very fair life and section, though next year your inspector was informed by the officials a larger section would be placed. Too many ties were noted decayed and worn. The chestnut ties do not stand well under the heavy freight traffic. The rail cuts into them and lessens their life greatly. The old light rail, while noted well worn, is still in fair condition considering the heavy wear upon them. The adjustment of track is fair but too many loose bolts and spikes were noted. More care is suggested in this item. The warning signs at highway grade crossings while well painted and in good location, a number were noted in need of paint, and some were found not in as conspicuous positions as would seem proper. The fences were found in good condition as a rule. Switches were noted locked in almost every instance, and the switch maintenance good. The guard rails opposite frogs were found generally well braced, though a few were found not as staunch as should be. The targets and signals were found well painted in the main though many were found needing attention. The ditches were noted in many instances needing attention and cleaning, though where given attention they were opened amply wide and deep. The embankments need widening in many places. This work it is said will be attended to next year. Attention is called to the item of crossing plank. Too many instances were noted needing renewals. From indications along the line it would seem there are too few employes upon the track, or that they are expected to give attention to too many items. This is true of many of the roads throughout the State. It would seem poor economy to cut down on the track force at least until a road is in extra condition. The cattle guards (slats) and cross fences were found fairly well maintained. Upon some of the sections, however, enough attention is not given to keeping them up in good condition. The passenger stations were found in good repair and the accommodations fairly good; a number of them need paint badly. The Cobleskill station building is stone and very old; it needs pointing very much, if it is to be kept up. A new building is hoped for at this point. The platforms have been renewed recently and look well. Repairs upon chimneys and roofs were needed in a few instances. The Oneonta station building is of brick and erected new in 1892. It is of modern design, very neat and clean and has many conveniences. Considerable ballast is needed upon this line and your inspector was assured that next year would see great betterment in this very important item. There are sections upon this line that are neglected and the division roadmaster promised immediate attention. The minor openings upon this division have rail stringers in most every instance; sixty-two pound rail is used and the number is proportionate with the span. They are held at ends by a heavy iron casting for bridge seat bearings

and generally are very well maintained. While the floors as a close rule were found in strong life upon all the openings, yet poor tie guards were noted too often. Number 10 is a forty-foot deck lattice girder, now bent, waiting to be reinforced, it is upon good masonry, and safe at present—should not be delayed. Between Albany and Cobleskill twenty-five openings have been closed since 1890. No. 18 is a twenty-foot over all, deck plate girder new three years ago, is low, and in good condition. Near milepost B. 122 is an open cattle guard with poor masonry. Not a few of the small openings should be piped and filled; much of this class of work is promised for next year. An effort should be made to buy out cattle pass rights, where property changes hands or farms are divided. Many of the roads of the State report considerable success in eliminating this class of openings. Rails for renewal in case of accident were noted quite frequently along the line. The two spans of 130 feet each through riveted trusses over Schoharie creek, erected in 1883, were noted in good condition. This division was relined with instruments about twelve years ago. At milepost 98 B. were noted cast-iron pipe in large numbers, stored, and to be used in closing small openings. It is to be hoped they will be placed soon. Bridge No. 30 is a seventy-foot deck lattice girder which was reinforced last winter. It is over a creek and rests upon extra strong and well-laid masonry. Near by is a deck plate girder span erected new last winter. No. 32 is a sixty-foot deck lattice truss now bent and to be reinforced this fall. Should not be delayed. There are eleven facing switches between Delanson and East Worcester. Commendation is due this company for the large number of openings eliminated since 1890. Near milepost 82 B. are nine bays of trestle fourteen-foot centers, with two eight by fourteen-inch stringers. Bents six years old have been overhauled recently. Next are four spans of rail stringers nine feet each; was trestle; the new work was done in 1892. No. 42 are eleven bays of trestle work twelve-foot centers, four years old. The sills are covered; this is not good construction. Sills should be kept in position so as to be frequently inspected. The alternating dry and moist conditions do great harm to timber. Corbels are to be placed upon all trestles. An effort should be made to remove the trestles upon this line at an early day. Near milepost 59 B. a trestle has been filled since 1890, and stone box culvert placed. Near milepost 56 are two spans of thorough riveted trusses 125-foot each. A new floor was being placed, rivets being tightened and trusses reinforced upon day of inspection. Bridge No. 95 is a deck riveted span of fifty feet, erected in 1881. The officials say the structures west of Oneonta are to be reinforced soon. The Harpersville iron viaduct, about 400 feet long, consists of deck plate girders resting upon towers, with new piers recently constructed. The batter of the towers is two-inch per one-foot. It was erected in 1884. Next west is a trestle 100 feet long, filled in 1892. Near milepost 19 B. is a deck plate girder span of sixty feet, with new masonry abutments. The interlocking plant at the crossing of Delaware, Lackawanna and Western railroad tracks was erected last year and the expense halved, though the Delaware and Hudson Canal Company maintain it.

Nineveh to State Line of Pennsylvania.

This line is seventeen miles long in this State, standard gauge and single track except a short distance near Nineveh. The rails consist of eighty and sixty-seven pound steel. About one-third is laid with the heavy rail. Coal comes over this line from the fields in Pennsylvania in large quantities, and the ballast material is almost entirely cinders and coal refuse. It is deep and makes drainage easy. The sleepers were noted strong in life, of good cross section and made up very largely of oak and chestnut. They are closely spaced and the rail is spiked with great care. The adjustment of track was found excellent. The joints are two tie and the heavy rail is fastened by angle bars thirty inches long and six bolts. The bolts and bars were noted carefully maintained. The targets and signals were found well painted. The ditches have been given constant attention, and upon day of inspection little could be seen to criticise. The highway grade crossing signs were observed in good position and well painted. The background is black and the letters white, making quite a contrast. The cattle guards and cross fences are well maintained and of good design. The fences along the right of way were found strongly constructed and in good life generally. The switch guards, stand timbers and adjacent ties were all noted very well cared for and safe. All switches were noted locked. Clearance posts were in position, as were whistle and section posts. The grass, weeds and brush were generally well cleared up, and the right of way orderly and clean. Crossing plank at highways were in strong life and good position. The passenger station buildings were noticed well maintained, neat and clean. There are now no wooden stringers at openings upon this line. All of the minor spans are of rail stringers and I-beams. There are eighteen of these small openings, and all have good floor systems strong in life and closely spaced. The masonry upon this line is very good. Some twelve open pit cattle guards have been filled in and iron slats placed since 1890. A number of new deck plate girders have been erected in place of old structures since 1890. Attention is called to the necessity of keeping lower flanges, chords and bridge seats clean. This item, while attended to generally well, is one that is apt to be neglected. Upon this road, however, extra care is given as a rule. Three new through plate girder bridges of thirty-foot span, with solid "buckle plate" flooring, were noted. One opening was noted needing new floor.

Cherry Valley Branch.

This line is single track, standard gauge and extends from a junction with the main line about one mile west of Cobleskill station to Cherry Valley station; is twenty-two miles long and laid with sixty-two-pound per lineal yard steel rail taken from the main line and somewhat worn. The sleeper life is not what it should be. Six thousand are said to have been placed this year, yet too many were noted decayed and not holding spikes well. Some were noted almost gone. Neglect was apparent in the item of spiking. Too many loose spikes were found; also bolts missing at joints. The rail is laid staggered, and the adjustment was found very fair considering age of rails.

Meager ballast in places and decayed ties. A good many instances were found where the ditches have been opened, but not a few places were also seen needing considerable attention. Some attention evidently has been paid to the removal of grass, weeds and brush, though considerable was noted of long standing. The traffic upon this line is not great. Two trains each way daily attend to the business. Notwithstanding this fact this line should be maintained properly. Crossing plank, while generally very fairly maintained, were found in a number of instances needing renewal at once. Warning signs at grade crossings were noted in conspicuous locations and fairly maintained, though a number were in need of paint. A few extra trackmen should be employed to place this line in proper condition for the winter. Considerable renewal is necessary upon the wooden structures, of which there are quite a number. An effort should be made to fill where possible and place iron and masonry at many of the openings. Some of the bents in trestles have reached the limit of age and strength and should be renewed without delay. The stringers are nearly if not quite all yellow pine and in fair life still. Near milepost 16 C. is a fifty-foot deck plate girder with T-abutments; has good floor system and tie guards. Not a little of the masonry at small openings need relaying with larger stone; some of it is very poor and crumbling. Not a few of the minor openings could with little expense be made permanent by filling and placing iron pipe or solid rail floors. It is suggested that if this branch is to continue in operation it should be brought up to the condition of the other spur lines. The passenger stations were found neat and clean. Sharon station needs better baggage accommodations. The high, narrow and unroofed platform opposite the station building is not adequate.

Chazy Junction to Province Line.

This line is single track, standard gauge and fifteen miles long. One train each way daily answers the business. The rail is old and well worn. Stub switches were mostly noted, and effort is to be made to replace with those of the point pattern, if new rail is laid. Four men and foreman attend to sections of seven miles in extent. The sleeper life on much of the line was found fair, though too many ties were in condition needing renewal at once. While it is not expected that this line is to be maintained equal to the main line, yet sufficient attention should be given it to positively insure safety and comfort in passing over it. An effort should be made to place the substructures in roadbed in good condition. Considerable of the masonry needs attention. The openings in roadbed are not many. The floors were found in strong life. The open cattle guards have T-rail stringers. Near Chazy junction was noted a twelve-foot opening having stringers of yellow pine; I-beams were on the ground to go in. Considerable brush should be removed, and attention given to keep the right of way tidy. The adjustment of track is as good as could be expected, considering the lack of good ballast in places, and general attention given the roadbed. Bridge No. 66 is about a twelve-foot half through plate girder, good floor, masonry open and poor. No 67 is a deck plate girder, short spans, also having poor masonry. Near Moore's junction are two seventy-five-foot spans of through plate girder over stream; all

appear well but the masonry, which should be given attention. The passenger stations were found neat and clean; the building at Sciota is new.

Plattsburgh to Ausable.

This line is standard gauge, single track, laid with fifty six-pound iron (some of it twenty-four years old) for eighteen miles, and two miles of sixty-two-pound steel rails. Owing to the enlargement of the barracks, upon government land at Plattsburgh, the line will be shortened somewhat, so as not to encroach upon United States property. Sixty-two-pound steel rails will be laid upon the modified line. This work was in progress upon day of inspection. The sleeper renewals this year have averaged about 400 per mile, made up of chestnut, yellow pine, oak and tamarack. The curvature upon this line is closely seventy-five per cent. There is but little traffic, and the rails are in fair condition considering age. The road is very well tied, closely spaced, fair cross section and in strong life. The ballast material is generally, in fact most entirely, the native sandy soil. The road is well graded, and with the exception of a few cuts, the ditches are well open. The fences should receive attention, though generally are up in a good state of maintenance. The clearance posts at switches where cars are liable to stand, were, as a rule, found in place. Some of the cuts should be cleaned; sliding material is too near the track. The embankments being largely of light sandy loam soil are held nearly intact by paving with old ties as a protection against the winds and sliding. Switch targets need paint. The highway warning signs were noted up fairly. The whistle and mileposts were found up in good condition. There is only one train each way daily. Stub switches abound. Too many bolts and spikes were noted loose and missing. The fastenings at rail joints are made of chairs and fish plates mostly. The adjustment of track is of course ordinary, because of old rails and poor ballast. The right of way is generally well kept, neat and clean. The small openings are nearly all spanned by rail stringers with good floors. The masonry along the line needs considerable attention. This work should not be delayed. The tie guards in many instances were noted quite poor. Bridge No. 53 is a trestle of nine bays, twelve feet center to center of caps, over the Little Ausable; the tie guards are poor. Water for protection against fire should be maintained upon it. No. 55 is a trestle 250 feet long and over a highway; bolts were found loose, posts decayed, and not in very good condition. It is about twenty feet high; new blocking has been placed under sills. This, with the one above, should be filled without delay. Last year the line was extended three and one-half miles to Ausable Forks. The line is graded now and rail is to be laid next year. Cast-iron pipes should be placed at a good many of the small openings and filling accomplished. The passenger stations were found in fair condition. Ausable Station is now called Rogers, but will probably be abandoned. New rail is talked of.

Baldwin Branch.

This line is single track, standard gauge, five miles long, laid with sixty-two-pound steel rail from main line, and extends from the main line near Fort Ticonderoga to Baldwin at Lake George. The steepest

grade is 135 feet per mile for perhaps one mile. The switch targets need paint. Considerable cast-iron pipe was noted scattered along line to place in small openings. Stub switches prevail. This branch was constructed in 1875. The fastenings at joints are made up of angles and fish plates. Some 1,400 feet of new siding was noted, laid in 1892. The fences were found broken and down to some extent, though the greater distance is well maintained. The warning signs were up good. Posts were noted up along the line good. The station at the upper falls has been abandoned. Point switches have been placed at the new sidings. A new deck plate girder was noted over the outlet, three spans of forty-eight feet each, with good floor and masonry.

Castleton Branch.

This line extends from Whitehall to the State line of Vermont, as inspected, but its end properly is Rutland, Vt. It is single track, standard gauge, five miles in State, and laid with sixty-seven pound steel rails. The sleeper life was found very strong and the ballast fair. The warning signs were found up, well painted, and in conspicuous positions. The cattle guards are of iron slats, well maintained. Crossing plank were noted needed in not a few instances, though generally they were found strong and well laid. The track adjustment is good, and bolts and spikes well attended to. The ditches have recently been well opened and the right of way well cleaned up. At milepost R. 21, a rock cut was noted needing attention, loose fragments should be removed. Some 1,700 feet of new siding was noted near milepost R. 20. There have been four openings covered with T-rail flooring since 1890, the last reported inspection. The fences were found up in good form. The deck bridge over Poultney creek needs paint; otherwise it appears in good condition. No. 72, over Wood creek, is a through pin connected truss erected in 1885, and is now in good condition. The through pony truss, over the Champlain canal, is floored solid and in good form. This line is very well maintained. Grass, weeds and brush were well cleaned away.

Eagle Bridge and Washington Branch.

This line is single track, standard gauge. Laid with sixty-two-pound steel rails, and extends from Castleton, in the State of Vermont, to Eagle Bridge, this State, where connection is made with the Fitchburg railroad. The inspection began at the State line (some ten miles south of Castleton) and extended in this State ten miles, then twelve miles in Vermont were passed over, and the State line again reached, when twenty-two and three-quarter miles were again inspected to Eagle Bridge. The ballast is of very good material, however. Places were noted quite slack on shoulders, and also between rails. The sleeper life is very strong, and very few ties were noted too ripe. The bolts and spikes receive careful attention, and the track adjustment was noted good, as a whole. The warning signs were found up and well painted. The cattle guards and cross fences, as well as the fences along the right of way, were noted in good condition. Grass, weeds and brush were well removed. Eighteen miles of ballast has been placed, since 1890, in this State. Eight split-point switches have

been placed this year. Crossing plank were noted generally good, but too many were found needing renewal. Twelve small openings in the roadbed have been covered with solid floors of T-rails since 1891. There are a few "stubs" yet, but these will be removed in the near future, it is said. Posts were noted up well, some of the clearance posts were covered, and should have ends elevated above ground. Ramapo stands have been placed at all new point switches. This whole road has been relined with instrument since 1891. Some twenty-two cattle guards, of the "pit" kind, have been filled since 1890. A large gravel bed of good material was noted near milepost E. B. 15, sixty acres in extent. A noticeable feature of all the floor systems, upon this company's roads, is that every tie is spiked. A few of the roads, in the State, only spike every other or second tie, and some, less frequently. Every tie should be spiked, if the rail is expected to remain in a safe position and assist in holding the superstructure staunch during the passage of trains. Bridge No. 92 is a new structure erected in 1892; should be painted. The masonry is also new, and excellently laid of large, sound, durable stone. The tie guards upon many of the smaller openings should be renewed. No. 99 is a new deck plate girder, erected since the last inspection. No. 101 is a through plate girder fifty-foot span, over creek, and seven years old; needs paint. Guard rails were found missing upon many of the short openings. No. 105 are two spans of through plate girders, six years old, eighty feet each, over the Battenkill, all in good condition except painting. Bridge No. 108 needs new floor. Quite a few of the open cattle guards should receive repairs. All the metal superstructures appear in very good form and condition. All the masonry constructed in recent years is good. The passenger stations appear in good condition. Some repairs were needed at Cambridge upon platform. Salem station building needs paint and water-closet accommodations, as do some others, upon this and other branches.

Caldwell Branch.

This branch was built in 1881, is standard gauge, single track, laid with sixty-two and sixty-seven-pound steel rails, and fifteen miles long. Considerable traffic is carried on, particularly in the summer. Ten passenger trains run each way daily, and in the winter five trains each way. This line, in 1891, was very much bettered, and several curves modified and new structures erected. The sleeper life was noted good generally, though occasionally poor ties were found in isolated spots. They are laid close together and of fair cross sections, well spiked, and the joints were noted well cared for. It was said some 600 tie renewals per mile were made this year. The switches are all of the safety "split-point" pattern. The targets need paint; whistle, clearance, section and mileposts were noted up, and in good condition. Through Glens Falls debris was noted along the track and yard. The officials informed your inspector that it would be cleared up immediately. The crossing plank along the line was found well maintained, but in many places should be renewed. The ballast is fair, though slack in places. Considerable material will be placed next year. The roadbed is well graded, and in the general sense, the entire line is well cared for. The warning signs were found

up in good condition, and in plain view. The cattle slats (wooden) and cross fences were noticed well cared for, whitewashed and quite trim. There has been no ballast material placed of moment since 1890. The track adjustment has been given considerable attention. The ditches have been opened and graded nicely, though some work of this nature is still needed to properly drain the roadbed. The grass, weeds and brush have been given proper attention. The switch guard rails, opposite frogs particularly, were found fairly well braced and spiked. The fences along this property are generally in good repair. The inspection began at Caldwell. The passenger stations were found in good state of maintenance. The station at Caldwell has ample accommodations for summer travel. The building was erected in 1882, and is of modern design. The Sandy Hill station is small, needs repairs upon doorsteps and painting. All were found neat and clean. At Fort Edward the station building needs repairs on roof, and should be painted. One hundred and twenty-five feet per mile is the maximum grade for about three miles. Four minor openings have been covered over with solid T-rail flooring since 1890. Near milepost No. 63 A. was a sixty-foot trestle; is now filled all but twelve feet, and I-beams placed upon good quality of well-laid stone since 1890. The open cattle guards and drainage openings have T-rail stringers mostly, and with the exception of a few floors noted needing renewals, were found well cared for. A considerable number of the small openings are next year to be filled and pipes placed. A large number of I-beam girders were noted, and all found in good condition; they were placed six years ago. The through 100-foot riveted truss bridge over the Glens Falls feeder was found in apparent good condition. A sixty-foot trestle near has been filled all but an opening ten feet wide, which has been covered with rail. No. 49 is a ten-foot I-beam opening. The masonry is quite poor, small and broken; an arch should be placed at this point. No. 48 is a deck plate girder bridge, forty-foot span; masonry new and good. In Fort Edward the bridging over the canal appears in good form. Next year considerable is to be accomplished in the items of ballast, masonry and painting.

Saratoga to Albany, Main Line.

From Saratoga to Coons junction is laid with sixty-seven-pound steel rails, Coons junction to Waterford junction eighty-pound steel and from this latter junction to Albany, eighty-pound steel. All of this thirty-nine miles is double tracked. From Coons to Ballston the tracks have been raised about four inches with good gravel ballast. The tie renewals this year will average 500 per mile. The Hall rail circuit, block-signal system has been erected. The blocks average one mile. Satisfaction was expressed by the officials of its workings up to date. A trial through the winter period, however, with blinding snowstorms, sleet and intense cold, rain and the like will give better reasons for full judgment. It appears simple in its workings, and quite positive upon day of inspection; if safe is very economical. One of the disks near mile post A. 35 is too much in the shade to be seen plainly. Should be moved out of the woods. The adjustment of track upon this line is extra. The sleeper life is exceptionally strong. Ties are closely spaced and of large section. The grass, weeds and brush are kept

down and the right of way appears neat and orderly. The warning signs were found in good life of paint and conspicuously situated. Some seven electric bells were placed very recently at as many grade crossings. The cattle guards are mostly of slat iron, and with cross fences were found well maintained. The property is fenced well and repairs frequently made. Fences are in good condition. The highway grade crossing plank were generally found in good condition though attention is called to a number of places where the timber is too old or worn out. Great attention is evidently given the item of ditches, for the drainage upon this line is good. Switch targets need paint badly in a number of instances, and not a few need repairs in yards and out. An effort should be made to obtain a red paint that will not quickly turn a pinkish-white, as many of these do. The switches are very well maintained as a rule; a few of the stand timbers were noted a little too old or in not the best position. Whistle, clearance, crossing, section and mileposts were all noted in good form and well maintained. All of the small openings in the roadbed have stringers of old T-rail resting upon very good masonry; a number will, no doubt, be piped and filed next year. The two sixty feet each deck lattice girders over the Kyoderosess creek have new masonry of excellent quality and laid by good workmen. This is true of all of this company's more recent stone work. Extra care is taken in employing only the best masons and in building all substructures of the best stone obtainable. Not one poor floor was found upon this line; every span is of iron or steel. Too much care can not be taken in keeping bridge seats and lower chords free from dirt, cinders and the like. Standing orders require employes to do this work, yet it is a little neglected. It is quite important that trusses, girders and I-beams be kept free from rust. The officials know this and give orders accordingly, but somehow many times it escapes attention too long. Near West Troy station is a small masonry opening which needs attention. The spans of trusses and girders in all the large bridges appear in very good condition. Some of the minor openings will, it is said, be covered with solid rail flooring next year. The passenger stations are all maintained in good condition and neat, except the need of paint, notably Waterford station.

Mechanicville Branch.

This line is ten miles long, standard gauge, single track, laid with old sixty-two-pound steel rails (twelve years old), and extends parallel with Fitchburg railroad and quite close to it a number of miles. The inspection began at Coons junction. This line is utilized for freight traffic largely. One coach is run at end of a freight once a day. This branch is well maintained; fences are up well, highway grade crossing signs in good position and well painted, whistle, clearance, section and mile-posts up in good condition; switches well attended to. A number of targets need paint. Ditches are well cleaned and graded. The sleeper life is very good though a few at odd places were noted needing renewal. The ballast material is fair and the roadbed is in good condition. The track adjustment is good considering age of rail. Bolts and spikes were found ample in numbers and well in place. Grass, weeds and brush have been nicely cut and renewed. All of the minor openings were found in good con-

It is a pleasure to note the great improvements constantly going on upon this system. A few years, if continued, will place the structures in the roadbed in extra safe condition. Some seven thousand five hundred tons of eighty-pound steel rails have been purchased this year.

DELAWARE, LACKAWANNA AND WESTERN RAILROAD.

Main Line.

This road extends from Buffalo to the State line of Pennsylvania, near Conklin, a distance of 212 miles. It is double tracked and standard gauge. Also a double-track road extending from East Buffalo to the International bridge at North Buffalo. It is nine and one-half miles long, and used for freight traffic solely. For dimensions, spans, etc., of superstructures upon this line see Report of 1891. There are no wooden structures upon it intended to maintain permanently. Steel and iron is utilized upon all permanent bridges. The inspection developed a most excellent condition along the entire line. Ample metal was noted everywhere for the loads supported. The number of steel and iron bridges is large. A system of monthly report upon their condition is in vogue, and each is carefully watched. The masonry is also in most excellent condition. Some was noted in need of attention, "pointing up," resetting and the like, but great care and watchfulness is taken to keep the stone work in good repair. The bridging needs paint badly, and much care in scraping should be given preparatory to coating the metal. Delay should not be allowed in this very important item which is so essential to the life of the metal. The track adjustment is almost perfect. The curvature is large and sharp, yet by the excellent attention that is paid to proper elevation of outer rail, strong life and frequency of sleepers, joint fastenings and spiking, also depth and quality of ballast, high speed is maintained daily. One curve two miles long is compounded not a little, but the "flats" in it are very scarce. There are some long tangents on slight grades. Sixty or seventy miles per hour is frequently made and with little danger. The fences were noted very well maintained, the roadbed clean and free from debris. The arrangement and kind of switches promotes safety, the facing points being all "Whartons," with fall or gravity stands. Considerable addition has been made in the item of sidings. The sleepers were found in extra strong life the entire length of road, and the life of all the floor ties on bridges was found extra strong. White oak is used almost entirely, and is thought well of by the officials. Water for fire protection upon the long structures should be maintained. The rails are steel and are made up of from sixty to eighty pounds per lineal yard, and all in strong even life. Considerable of the eighty pounds has been laid since 1891, and in the near future the entire line will no doubt be laid with it. The ditches as a rule were found well attended to. A large number of the highway grade crossings are protected with the Hall gong signals. Some of the warning signs were noted too low, and with too small letters to be conspicuous. There seems to be no attention given to uniforming the station agents. Many were seen without even a badge on hat. The improvements recommended by your honorable body in 1893, at Owego, are nearing completion, and

five dangerous grade crossings will be eliminated. The overhead bridge at the station with the inclined approach to it appears satisfactory and very convenient to the public. The grading of the new highway is progressing, and this season will see the element of danger at this point greatly, if not wholly, eradicated. All of the open cattle yards have been filled in, and the slats of iron and wood which have been placed were found in extra condition. Some fifty miles of eighty-pound steel rail was laid last year, mostly on the eastbound track. Considerable of this heavy rail was noted scattered along the line upon day of inspection, preparatory to being placed. Upon the hill near Dansville nine openings from seven to ten and one-quarter feet span have been renewed with I-beams since last inspection. Since 1891 there have been quite a number of new passenger stations erected. The stations were examined occasionally and found in very good condition and well maintained. Considerable iron pipe was noted in place of small openings.

Utica Division.

This division extends from Utica to Chenango Forks, a distance of eighty-four miles. Is single track and standard gauge. Also a branch, twenty-two miles long, from Richfield junction to Richfield Springs, single track, and gauge as above. The truss bridges were noted almost entirely of iron and supported by good masonry. The floor systems were found closely spaced with strong tie guards, and, as a rule, extra in condition and all of white oak. Twenty-four crossing gong signals are operated and spoken well of by the officials. Near Bridgewater is a new thirty-foot deck plate girder since 1891. Next going south is a sixty-foot through plate girder span over highway and stream, placed in 1892, all in excellent order. A large number of the smaller openings have been completely overhauled since 1891. Several of the wooden structures should be replaced with I-beams and plate girders. Near the junction, to the lake at Richfield Springs, is twenty-eight bays, twelve-foot centers, renewed three years ago. Stringers are two, seven by fourteen inches under each rail. Over the creek is a "pony" truss for bents to rest on. It is contemplated placing an arch here and filling in. This would be a needed improvement at this point and should not be delayed. Twenty-eight openings between Richfield junction and Sherburne, a distance of about thirty miles, have been filled and cast-iron pipe placed. More care should be taken with the bridge seats in keeping them free from dirt and cinders. Also, back walls should not be allowed too close to girders, I-beams or trusses. The stone culverts under the embankments have been overhauled and "pointed up" within the year. The iron structures need paint very much. The importance of keeping the metal well covered is great, and delay in this particular is unwise. There is still considerable room for iron piping at small openings, and the officials express a desire of completing this needed work shortly. Bridge No. 58 is a through plate girder on bents. Sills should be cleaned at this as well as not a few other points immediately. Iron girders resting upon wooden bents is not permanent work, and masonry should replace them as soon as possible. The trestles on this division should have water upon them in case of fire. The floors of all the structures were noted in strong life. A number of

the small openings should be renewed in items of stringers and lagging. This the superintendent assured your inspector would be accomplished this season. In the Chenango valley quite a few new structures were erected in 1892. Between Sherburne and Chenango Forks thirty-six small openings have been filled and iron pipe placed. An extra effort is made to keep the structures upon this division in good, strong condition. The passenger stations were all inspected and found in very good condition; those upon the Richfield branch in need of renewal excepted. New stations were noted at Oxford, rebuilt in 1892, Sherburne, Sauquoit, and others repaired and painted. The station agents were noted along the line without uniform or hat badge. The shops at Utica are very complete, and all the work necessary for the whole division is accomplished at this point in a most satisfactory manner. The ditching is well attended to, fences were found in good repair, and the roadbed orderly and quite well ballasted with gravel and cinders. The adjustment of track is very good. The curves are mostly braced and the tie life is very strong — the ordinary renewal of 500 per mile is sufficient to maintain a strong condition. The warning signs were noted up in conspicuous places and well painted. The rail consists of steel, ranging from sixty to seventy-two pounds, and was found in good condition.

Ithaca Division.

This line is single tracked and extends from Ithaca to its junction with the main line at Owego, a distance of thirty-four miles, standard gauge and composed of various sizes of rail from fifty-six pounds upwards. Considerable sixty pound steel is laid, however. This line is very well ballasted with gravel and the roadbed is maintained in excellent order. The alignment is very easy and great care was exercised in its original construction. The eight spans of 120-foot each. Through Pratt trusses over the Susquehanna river at Owego were found in good condition. Strong floor system, and being overhauled upon day of inspection. Bridge No. 2, is a through pin connected bridge 101 feet 9 inches, erected in 1892, and having strong abutments of stone. Water for fire protection should be placed and maintained upon all the trestle structures. The iron and steel structures need paint without delay. No. 7 is a through Howe truss of two spans. Shoes are cracked, but in compression it is over water, though low. It is ten years old. While liable to hold for years to come, it should be replaced with an iron bridge. No. 10 is similar. No. 12 is ten bays, eight-foot centers of caps; over creek; has no floor, and is eight years old. Spikes loose. It is to be rebuilt this season. No. 14 is a trestle sixty feet long and has no floor. It is on piles and should be rebuilt immediately. These structures without floor ties are not safe. A derailed truck could easily cause great harm. The masonry along this line is largely of a local deposit and not fit for bridge abutments. It is very small stone and the constant jar of heavy loads passing over shakes the stone loose from the mortar. Large, heavy "derrick" stone should be used, and it is suggested that this class of work be replaced with large stone. Six pipe lines have replaced as many small openings since 1891. North of Caroline is a trestle 160 feet long, placed tem-

porary at time of cloud burst. This should be filled. A short distance northerly is another trestle 185 feet long, which is to be renewed in July. The timber is on the ground. It should not be delayed. Quite a few of the smaller structures should be renewed. Near Ithaca are two wooden through Howe trusses, just completed. The fences were found in good condition. The roadbed is very well drained. The track adjustment is very good considering the recent heavy rains. The warning signs are up in good form, though some need attention. The passenger stations, while not modern, were found neat and clean and fairly well repaired. The station agents have no distinguishing badge.

Binghamton, Syracuse and Oswego Division.

The inspection of this division began at Binghamton. It is single track, except between Apulia and Binghamton which is double tracked. The total distance is 113 miles. There are three miles of seventy-five-pound steel rail; the rest ranges from sixty to seventy-five pounds. The fences were found up in good condition; the roadbed is exceptionally well ballasted and the tie life extra good. The track adjustment, in consequence, is very good. The road is well ditched and orderly. The warning signs were found up good generally, and the twenty "Hall" grade crossing gongs are said to give satisfaction. There are no wooden structures upon this branch, and each of the iron or steel bridges were found in good condition. Considerable improvement has been accomplished in placing cast-iron pipe and filling small openings. The need of paint was noted at almost every iron structure. The masonry was found good, but too much that is small and in need of relaying, was noticed. No. 6, over the Chenango river, consisting of four spans of 132-foot deck pin trusses, has new floor of white oak. It was laid in 1893. The sleepers consist of oak and chestnut evenly divided. Twelve thousand yellow pine ties have been placed this year. There have been no extensions of line. This is true on each of the lines. Considerable siding has been laid since 1891 at various points. Bridge No. 18, sixty-four feet through plate girder over creek one and one-quarter miles north of Killawog was painted last year. It is now in good condition. Between bridges Nos. 31 and 32 are four small openings that should, if possible, be filled and pipes utilized. No. 56 is a through riveted truss over the Erie canal, has no floor, but the officials say there will be one placed and in accordance with the recommendations of previous report. There is quite a little poor, small masonry north of Syracuse that should be relaid. Previous reports have suggested this and still no change for the better is made. Bridge No. 62, over the Seneca river, consists of four spans of through rivet, 347 feet total. The piers are now tied by iron rods. There are five trains each way daily. The track surface is very uneven. A new floor will be placed inside of a month. The masonry in the piers should be relaid. Attention is called to some of the warning signs; paint is needed. The passenger stations were examined haphazard and found in very good condition. Agents were noted minus badge or uniform. This branch is in good general condition and a small outlay would place it in an extra state of permanent maintenance.

GLEN HAVEN RAILROAD.

This road extends from East Main street, Rochester, to Glen Haven, upon the Irondequoit bay shore, about three and one-half miles long. It is narrow gauge. This property is considerably neglected. Nothing of moment has been accomplished since the 1893 inspection. Ballast is needed badly, and a large renewal of ties is necessary. Your inspector counted some ten new ties that had been placed recently. The adjustment of track is very ordinary, almost straight rail on curves, and the like. Some attempt has been made to strengthen the structures, but intelligent renewal and bracing is positively needed. The overhead bridge, spoken of in the last report, remains untouched and unsafe. At this point the track is in a wet cut and the ties are nearly buried out of sight in the running sand. The present situation at this point is dangerous. The bridge should be elevated at least two feet and stone abutments erected. The track should be raised at least two feet for a distance of 600 feet, with cinder or gravel ballast. The present bents and docking timber abutments upheld by tie rods of iron anchored into the embankment are overhanging and the earth work sluffed away. No delay should be allowed in making this needed improvement, as considerable heavy vehicle traffic passes over this bridge daily. There are fifteen trains each way daily. The practice of dumping red hot coals upon the track should be discontinued. The curves should be trued up and properly adjusted at once. No attention has been paid to the suggestions previously made in many instances. This may be explained by the company's intention to widen and remodel the road.

LEHIGH VALLEY RAILROAD.

Main Line.

From the State line, near Sayre, Penn., to Buffalo, a distance of 186 miles, is new laid with steel, standard gauge, miter-jointed, forty-five degree angle and weighing eighty pounds per lineal yard. The original rail was laid in thirty feet lengths, but within the last year forty-five foot lengths have been laid, and more will follow. This line is double tracked and the maximum grade is four-tenths of one per cent., or twenty-one feet per mile. There is only one wooden structure in the roadbed, near Phelps station. It is a trestle, four bays, about twelve-foot centers, with white pine stringers two feet eight inches by sixteen inches section and hemlock posts. Bents and sills were erected in 1892 and are to be renewed with iron and stone work. This new construction is through a section of the State which would seem to insure freedom from poor or shifting foundation material. The iron and steel work in trusses and girders is of the latest design and supported by most excellent masonry. The minor openings have I-beams, two and three under each rail; upheld by strong substructural work. There are some twenty-two through pin connected truss bridges; thirty-four deck plate girders, forty-one I-beam structures, twenty-three through plate girders, besides the iron viaducts in Buffalo. Since transportation began in September, 1892, there has been an immense amount of filling accomplished. The openings in the roadbeds are few considering the distance. The line from Van Etten junction to the State line, about

fourteen miles, has been made entirely new, so that the whole main line is in modern design. The foundation for all the bridging is either rock, gravel or hard pan. The alignment is easy and the curves are slight. The right of way averages six rods (ninety-nine feet) and was found, considering the recent construction, neat and free from obstructions or unsightly objects. The elimination of grade crossings in the construction was an item successfully managed, and a few are yet likely to be done away with. The overhead bridges were noted in extra form and construction, and all have at least twenty feet head room. The miter-jointed rails are upheld by large oak ties and closely spaced. The joints are suspended and held in position by angle bars, thirty inches long and having six bolts. The miter joints are largely experimental. Opinions differ among those in position to see the results, some maintaining that they ride easier and remain in surface longer, while others think no difference is appreciable. The warning signs at highway grade crossings were found in good position and well painted. The longest tangent is nineteen miles, followed by one on the west seven miles long. Only eight openings were noted on the long tangent and mostly of short spans. The cattle guards consist of several kinds of slats, but all were found well maintained. Some work was noted needed in opening ditches through cuts. The switches are of the "point" pattern and all were found in good condition. From Manchester to Buffalo the ballast is full and of good quality. The gravel is good size. The line easterly, however, needs ballast badly and an extra effort should be made to obtain it. The passenger stations are mostly of wood, all of modern design and well appointed to meet public convenience. They have slate roofs and wooden platforms and seem ample in size. The station at Geneva is brick and has a large covered platform, also dining-rooms and lunch counter, all in good condition. Two and one-half miles of trestle have been filled since 1892. It does not seem wise upon a new double tracked road to cut down track labor; economy in other departments should be looked for first.

Auburn Division.

From Fair Haven, on Lake Ontario, to State line, single track, standard gauge, 114.5 miles, laid largely with fifty-eight and sixty pounds per lineal yard steel rail.

Auburn to Fair Haven.

This line is thirty-two miles long and shows considerable improvement since the last reported inspection in 1891. The rail remains as previously reported, but the sleeper life is much improved and the road is strongly tied. The warning signs were found in good condition and conspicuous in position. Stub switches are used to some extent, though those of the "split point" pattern are soon to replace them. The fences were noted well maintained, and considerable work has been accomplished in repairing cross fences and cattle guards. Too many open guards were noted, and an effort should be made to close them either by filling or placing iron pipe and then filling. The grass and weeds were found cut and removed, and the right of way presented a neat and cleanly appearance. The thirty-minute curve,

about one mile long, should receive instrumental attention. The curvature is so slight that trackmen have hard work to keep it on a curve at all; consequently humps and corners are frequent and dangerous. Several milk stations have been erected since 1891, and indications point to more in the near future. The adjustment of track is good. Gravel ballast in fair quantities abound, and the track is well maintained for the amount of traffic. The passenger stations all need attention, particularly in the item of paint. Weedsport station has had a new slate roof since 1891. Cato station is very poor; needs a new roof, paint and general overhauling if a new station is not built. Considerable work in renewing timber structures in roadbed has been accomplished, although some were noted needing immediate attention. There are a number of thirty-foot openings, three bays, ten-foot centers that should be narrowed without delay. Some of them have been filled recently. A number are south of Weedsport. Stone-box culverts have been placed in some instances. The timber structures have not enough care. More carpenters should be employed if necessary. The through pin connected truss over the West Shore, eighty-three feet, and the through plate girder over street, were found in good condition. The truss looks light. A new floor is needed on the girder span. The masonry appears well. The 113-foot through pin connected truss bridge over the Erie canal has been strengthened and reinforced since 1891; also, the eighty-foot through pin bridge over the New York Central road. The Seneca River bridge, three spans through pin connected, erected in 1887, was being painted on day of inspection. One of the piers has settled a little, throwing the track out of line. This should be attended to without delay. The 30-foot timber trestles occurring north of the last-mentioned bridge should be filled. One has been filled this season, and stone-box culvert constructed. Sills should be kept uncovered, unless constantly wet. Alternating moisture and dryness work havoc with covered sills. The track over the "sink-hole" south of Cato is gradually assuming a fixed position. Trains pass slowly over it, and hopes are entertained that this fall the usual yearly filling will be sufficient to make it permanent. The seven-bay trestle near Cato, with bents upheld by piles, should be removed without delay. Tie guards were noted missing on a number of small openings. A derailed truck at these points could easily cause great damage and expense. North of Ira station are four bays of ten-foot centers (trestles), made up of oak, pine and hemlock. It is barely safe, and should be a stone arch, and filled in. Guard rails were noted upon nearly all openings of note. Near the Rome, Watertown and Ogdensburgh grade crossing are three bays, of about eight-foot centers, on piles, which need new caps and stringers.

Auburn to State Line.

This line is eighty-two and one-half miles long, and also much improved since 1891, though considerable work is necessary at various points. The tie life is strong and they are closely spaced. The renewals this year were enough to place the weak sections in good condition. About forty miles of fence have been overhauled and repaired since last inspection, and the general maintenance is good. Gravel and cin-

der ballast prevail, and it is ample to keep very good adjustment of track for the amount of traffic. The highway grade crossings are protected by signs, well maintained and conspicuous, but some need paint. Signals and targets were found bright with paint. The item of ditches has been well attended to, though instances were noted requiring attention. Water in barrels for fire protection should be kept on all wooden structures of note. Grass and weeds were well trimmed, and the right of way neat and orderly. The switches were carefully examined and found supported by strong timber and in easy working order. Highway grade-crossing plank are, as a rule, kept in strong life, though a number of instances were noted needing renewals. The passenger stations remain as previously reported. Paint is needed in many cases, as a matter of economy. Moravia station should be renewed. The business seems to demand it. Groton station appears new. The stations are wooden, small, and requiring constant repairs, which they receive in part. There are a large number of small wooden structures in the roadbed. The cost of maintaining them, with even a fair factor of safety, must be great. Your inspector would suggest and urge upon the railroad company the necessity of reducing the number in the next two years. The carpenter force is too small to keep them, with other work, in a positively safe condition. Stone box culverts, cast-iron piping, or stone abutments with rail and I-beam construction, should replace these (poor-at-best) wooden structures without delay. For seven miles out of Auburn stone-masonry abutments abound, and were found large, sound and in good state of maintenance. Many of the small, poor structures spoken of above occur along the Owasco lake. Between Ensenore and Moravia are fourteen bays, fourteen-foot centers on piles, to be new this year; it was said one-half would be filled. Next south are two bays, fourteen-foot centers, with extra outside hemlock stringer. Over the Owasco inlet are five bays about sixteen-foot centers of caps; that should have new tie caps and stringers, and general overhauling without delay. South of Moravia is a seventy-foot through plate girder, over water, newly painted and in apparent good condition. It was erected in 1888. One hundred feet of trestle south of Moravia has been filled since the last inspection. A number of small openings have been filled along the road since 1891, but many remain. Those filled show little gain. Between Locke and Moravia stations are three separate long spans of through pin connected truss bridges, erected since 1892. The bridges replace considerable timber trestle, appear in strong life of metal and sufficiently strengthened. They came from the reconstructed end of the main line spoken of above. Considerable stone work south of Moravia has been constructed since 1891. There are quite a number of short trestles north of Locke station with piles that should be cut down, and bents placed upon them immediately for positive safety. It is suggested that a wholesale renewal take place upon this line without delay; patching is dangerous. There is a total of about 230 structures on this line, and the carpenter force that are supposed to keep them in a positively safe condition consists of only six men and a foreman. North of Dryden a creek crosses the road twice at a very short distance, and there are thirteen bays of trestle in each. The creek should be changed, and the situation greatly bettered and made permanent.

Cayuga Division, Auburn to Ithaca.

This line is forty-three miles long, and from Cayuga junction extends along the easterly shore of Lake Cayuga. It is standard gauge, single track and laid with fifty-eight-pound steel rail. Fifty-five thousand ties are to be placed this year — 25,000 cedar and 30,000 oak and chestnut. About one-half were in on day of inspection. The renewals this season will place this road in very fair condition. Stub switches are in use, but these are being replaced at the rate of six per month with the "split-point" pattern. There is not much traffic upon this line. The ballast is scant in many places. It consists of gravel and cinders. The track adjustment is fair, considering the amount of traffic. The curves have ample elevation for the schedule speed. The fences were found well maintained, and consisting mostly of posts and wire. The previous report drew attention to the necessity of cleaning and removing all loose material upon the face of the rock cuts along the lake. Some work of this nature may have been accomplished, but upon day of inspection many places were noted where the "shale" is crumbling, large trees upon the extreme top of cuts seem undermined and ready to fall at any moment, and fragments appear loose and top-heavy. It would seem a rock gang should be employed at once to remove every loose object liable to do harm. Near telegraph pole 105 is an instance. The rock is very high and near the track, and loose material was noted in dangerous positions. The officials expressed the opinion that "shale" when it fell did no harm, because, before it could reach the level of the track, it crumbled into dust and fine particles. While this is true, it depends largely upon the state of disintegration the mass is in at time of falling, and also the distance, vertically and horizontally, from the track. In many instances the large trees spoken of above were noted needing immediate attention and removal. The inroads made by the lake water upon the roadbed were much less than was anticipated, though considerable work is necessary at various points to properly protect the track. The iron work along this line needing paint should be properly scraped first. Too little care is given this all-important item. Three passenger trains run each way daily, and one freight. Between Auburn and Cayuga junction the openings in the roadbed were found in a fair state of maintenance. Pipe lines of cast iron are to be placed in some instances, and repairs are to be made immediately. There are a great number of very small openings, owing to the track's nearness to the lake. Many of these have to be kept open at the top so that they may more readily be cleaned. Attention is called to the loose stone abutments along the line. An effort should be made to relay with larger stone and cement mortar. Many of the stringers were noted decayed. The carpenter force is either too small or material is not forthcoming. A number of pile structures should be "bented." Tie guards are needed upon many of the floors. Some work was noted accomplished in opening ditches, but more in places is needed. New stringers placed since 1892 were noted in a few instances. It is only fair to say that the structures have received considerable attention, though too many were noted in not amply strong life. The iron structures all appeared in good form, except painting. The passenger stations were found as previously reported, and as a rule neat and clean.

Geneva to Van Etten Junction.

[Old Geneva, Ithaca and Sayre railroad.]

This line is single track, fifty-nine and one-half miles long, all laid (except about six miles) with eighty-pound steel rails, standard gauge. The six miles of fifty-eight-pound steel will be replaced with the heavier rails this year. Ten miles of eighty-pound steel, in forty-five-foot lengths, have been laid this year, miter-joints. Twenty-five thousand oak ties will be placed this year. Ten miles of woven wire fencing have been erected, and six miles of cinder ballast placed. There are eighty-four openings in the roadbed. A new freight-house has been erected at Geneva. "Split-point" switches have replaced the "stubs," and Ramapo stands have also been added on the whole line. The grass and weeds have been cut and removed, and the right of way was found neat and orderly. The warning signs were well painted and in a good state of maintenance, though some need attention without delay. The adjustment of track was found very good, and, while ballast was noted as scant in some instances, yet generally the line is fairly supplied. The tie life was found very strong—sleepers of large section and closely spaced was the rule. The cattle guards are flat iron of good design and in good condition. Rails were noted placed at mileposts in case of accident or renewal. Your inspector was informed by the officials that a gang of masons would work until the coming winter "pointing," relaying and overhauling the substructures generally. A number of "sags" are in process of elevation, and quite a few have been recently filled in. A number of open cattle guards were noted in poor life and condition. An effort should be made to fill these where possible, and pipe or "rail-floor" those remaining. Considerable work was noticed needed in the item of ditching along the line. South of Newfield station a dangerous highway grade crossing was noted. The line of vision is too short for safety upon one side. Some six cast-iron pipe lines have been placed since last inspection and as many openings filled. A new standard warning sign is being erected up the whole system. The words "look and listen" are added to the usual wording and would seem a wise provision. An interlocking plant was noted at Van Etten junction. The through pin connected truss bridge, ninety-foot span, over the Seneca lake outlet, needs paint, also the deck plate girder bridge, fifty-foot span, next. A number of the small openings have T-rail stringers. Near telegraph pole 1285 is a ten-foot cattle pass, which needs new ties and masonry. The Willard branch, four and one-third miles long, connects with the Lehigh Valley road at Hayt's Corners. This branch is now standard gauge and in very fair state of maintenance. All of the passenger station platforms will be renewed before winter sets in. Near telegraph pole No. 1185 is a 130-foot deck truss bridge, Phoenix columns, twenty-three years old, over deep ravine. This bridge may stand the traffic for some time, but for positive safety should be renewed with a structure of modern design. The crossing plank at grade highways were noted in a fair state of preservation. Thicker floor ties should be used. Derailment would be very dangerous upon these thin-tied structures. The structures in roadbed south of Ithaca seemed to be in much better condition than northerly. Not a little "shimming" was noted and should be removed. Trumansburg

creek viaduct, iron lattice towers and deck plate girders need paint. The masonry looks good. Next south are thirteen bays of trestle, about ten-foot centers; then 100-foot Phoenix column deck truss over creek; then twenty-foot box girders. All need paint if allowed to remain. Trains slow down in crossing, and it is watched carefully. A new structure at this point would be wise. The Willow Creek structure should be painted and thoroughly overhauled. It is an iron viaduct. In the Ithaca yard is a trestle fifty feet long over water, with switch upon it. This structure should be filled and narrowed, and a stone arch erected. The masonry of the lift bridge near Ithaca station should be relaid. The bridge seats of all iron structures should be kept free from cinders, dirt and debris. Pierce's trestle has been filled at ends and through pin connected bridge of 120-foot span recently erected. Needs paint. North of Newfield station a number of recently constructed bridges were noted and all in good condition. Some of the stringers near West Danby station were noted short in "bearing" on abutments. Attention should be given this defect. At Thatcher's cut considerable piling was noted to hold sliding bank. Too many poor and missing tie guards were noted. The passenger stations were examined haphazard and found in good maintenance. Ithaca station is lighted by electricity, placed this year, and was otherwise found in very good condition. The sanitary conditions at some of the stations needs attention.

Rochester Branch.

This inspection was made from Rochester to the junction with the main line. The first train over this branch was run September 1, 1892. Is fifteen miles long, laid with eighty-pound steel, on oak ties mostly, standard gauge. The alignment is easy and the grades fair. The right of way is four rods (sixty-six feet) wide and very neat and clean. It is ballasted with a very fair quality of gravel. The property is fenced with woven and straight wire. The warning signs are in good position. Seventeen ties per rail length; section six by seven inches and eight and one-half feet long. Rail is miter-jointed; thirty-inch angle bars with six bolts. There are two miles of siding outside of the Rochester yard. The cattle guards consist of slats of iron and are in good form. All switches are "split points" and Ramapo stands. The Rochester water-works extension cross under the track in two places. The pipes are protected by strong masonry. The track joints are suspended, and the adjustment is good. About three miles of cinder ballast was noted. The branch to Honeoye is two and one-half miles long at present; further extension may be made in the near future. There is but one structure of note upon it. This is a trestle about 600 feet long, two stories, and about fifty feet in highest place; it is composed of hemlock bents and pine stringers. A watchman is employed constantly, and the trains slow down to four miles per hour while crossing. This structure should be filled as soon as possible and a stone arch erected. The passenger stations were found in neat and clean condition and apparently ample in size. The trestle over the Erie canal feeder in Rochester is 1,060 feet long, on piles (pitch pine), white pine stringers (two) eight inches by sixteen inches under each rail, and hemlock caps. The deck plate girder over high-

way near the above has heavy masonry abutments and is in good form and condition. Besides the above, are two plate girder bridges in good condition; a few minor openings were also found, ample in timber and well constructed. Some thirteen miles of very good ballast was placed in 1894. This branch was found in very good condition.

LIMA AND HONEOYE FALLS RAILROAD.

This road is standard gauge, single track and four and five-eighths miles long, extending from a junction with the Batavia and Canandaigua branch of the New York Central and Hudson River railroad to Lima. The rail is fifty-six pounds per lineal yard. There is but one opening in the roadbed, which is over a creek. This structure is composed of trussed stringers and is amply strong; guard rails and timbers should be placed at this point. The company own quite a large gravel bed, and have ballasted considerable of the road; the balance should not be delayed. Two years ago last November the road was opened. Some vitrified pipe was noted along the line, being used for drainage; where exposed to the frost this pipe will not last long; it should be removed and iron substituted. There are eleven curves, and some quite sharp, needlessly so, it would seem. One warning sign was noted some forty feet away from the company's line; it should be placed nearer to the track. Where pretension is made to maintain fences, they are in good order. The road is fairly well ditched; the adjustment of track could be much better, particularly on the curved portion. The sleeper life is very good; cedar is largely used. The spacing of ties, while not as close as could be desired, is generally good, considering the light weight of motive power. The passenger car should be painted and attention given to making it as comfortable as possible. There are four regular trips each way daily. The right of way is quite narrow, being about three rods wide. One grade for a short distance is perhaps 175 feet per mile, though generally the grades are not excessive. The entire rolling stock consists of two dummy engines, one combination car and two flat freight cars.

LONG ISLAND RAILROAD.

Since the last inspection in 1892 many improvements have been made at various points throughout this system. New brick passenger stations at Arverne, Greenport and Flatbush avenue, Brooklyn; freight-houses at Greenport, Water Mills and Newtown; brick round-houses at Greenport, four stalls, Patchogue, four stalls, and Morris Park, twenty-three stalls; express-houses at Hollands, Bellport and New York. Eight new signal towers have been erected and six more will be completed by the first of June next. General repairs have been accomplished over much of the system and forty-two stations painted. During the spring of 1892 there were purchased some twenty-three locomotives, 400 freight cars, nine cabooses and eight passenger coaches. In 1893, thirteen passenger engines, two switching locomotives and ten passenger coaches. To the Rockaway Beach road was added the same year five passenger locomotives and ten passenger coaches. This year will be added to the rolling stock, fifty-one

passenger coaches and one mail and express car. There have been sixteen miles of cinder ballast placed since last inspection. Five thousand tons of eighty-pound steel rails were laid last year on the Montauk division between Pearsalls and Patchogue, laid straight away, and this year in curves on the Montauk division 975 tons, main line, 605 tons between Hicksville, and Greenport. This weight rail has also been laid upon all the curves of the Manhattan division, some 895 tons, also in all curves and most of the tangents on the Rockaway Beach division some 2,488 tons. There have been laid since last inspection 33,626 feet of sidings. The Port Jefferson branch is being extended to Wading River, about twelve miles. The work is delayed temporarily owing to contractor's low price, but it is to be completed this summer, and will open up the country for pleasure resorts. There will be some three passenger stations. Old fifty-six-pound rails from the Rockaway Beach division will be laid. A new line was finished last fall from Garden City to Valley Stream, six and one-quarter miles. One mile is seventy-six-pound steel rails and the remainder of sixty-one and sixty-six-pound.

Long Island City to Greenport—Main Line.

This line is laid with seventy-pound steel rail as far as Hicksville. The sleepers were noted in very good state of preservation as a rule; in fact very few were noticed too old. Renewals upon this line are being made, and when completed it will average extra well. White cedar is found to give good results and is used largely. Chestnut and yellow pine is used to some extent. The spacing is close and the cross section ample. The plates are being used one-quarter of an inch thick. The ditching is very well attended to considering the porous nature of the roadbed material. The fences are well maintained (where up). Much of this line is not fenced, however, though the near future will no doubt see much more erected than was deemed necessary a few years ago. The alignment and adjustment of track is very good and great care and attention is given to these items, also surfacing and grading. The company began last February to offer prizes to the various foremen of section gangs, \$100 being divided into ten dollar prizes, and this money is given each month to those showing the best results.

Honorable mention is also made each month of those who are deserving, and certainly good results were noted by your inspector on all the lines. The improvements already shown would seem to insure a continuance of this method. Joint fastenings and spiking were ample.

The station buildings were in good condition and all well maintained. Block signals are being placed out as far as Jamaica. Blocks go into effect June fifteenth. Bridge No. 48, new last year, is a draw, 195 feet total. No. 50 was placed new last year, and is in good form. Collins avenue has a new overhead wooden bridge, of good form and ample dimensions. An effort should be made to replace with iron I-beams many of the small wooden stringer openings. The highway grade warning signs were all in extra condition, good position, and well painted. The structures in the roadbed, upon the double track as far as Hicksville, were all noted in very good condition. Some thirty-five openings have been filled since 1887 upon the whole system.

West of Ronkonkoma is a small opening, filled since last inspection. The timber openings in single track roadbed east of Hicksville were found strongly maintained, and the substructures need little if any repairs.

Sag Harbor to Jamaica.

All of the structures between Sag Harbor and Jamaica were, as far as could be seen, in extra condition. Many of them have been overhauled since 1891. Arches of stone should be erected in some places. The iron girders needing paint should be attended to without delay. It is a pleasure to note the attention given the structures along the line and also the roadbed. Considering the light material used for ballast, the track is in very good condition. The sleepers were noted in strong life and rails well spiked. These ninety miles of track average very good. Crossing plank to some extent was noted as needing renewal. The station buildings, while not large, are perhaps ample in size to accommodate the public—they were neat and well kept. The warning signs were found up in good form and in plain view from either side. The pile trestles are well maintained. There should, however, be no delay in filling where possible.

Atlantic Avenue Division.

This division extends from Flatbush avenue station, Brooklyn, to Jamaica. It is double tracked through Atlantic avenue. Considerable speed is made through this avenue, teeming with city life. Much care is evinced at every crossing to prevent accident. The track adjustment is exceedingly good and the sleeper life very strong. The joint fastenings are well cared for. The stations and platforms are in extra order as a rule. Considerable improvement is promised in the matter of crossing gates. Some improvements have been made since the last inspection, and it is said many, if not all, of heavy, slow-moving gates are to be replaced by those of much better design. Upon an avenue so thickly settled great care must of necessity be taken by the railroad company.

Manhattan Beach Division.

This line is double track and nine and one-tenth miles long, and, including the Bay Ridge line, is some sixteen and one-half miles. Fifty-six-pound steel rails per lineal yard prevails, except on curves where eighty-pound rails are being laid. Ties were scattered for ample renewal, and when placed, this division will be in good condition. The pile trestle, 117 feet total length, was found in good, strong condition and life. The stations and platforms are as a rule well maintained. The alignment is fair, and the adjustment of track is good. The fences, where maintained, are well taken care of. This division generally is in comparative good condition.

Bushwick Branch.

This branch is one and a half miles long, and laid with fifty-six and sixty-two-pound steel rails, and is single track. There has been no change of moment since last inspection. Ties were noted scattered for

renewal, and are to be placed this month. Bridge No. 94 is a draw forty-six feet, on piles, and overhauled and repaired this year. Ballast is in fair condition. Considerable freight is handled. The passenger traffic is not much.

Port Jefferson Branch.

This line is single track, about thirty-three miles long, and laid with fifty-six, sixty, and sixty-two-pound rails. Fourteen hundred feet of siding has been added since 1892. There are ten structures in the roadbed. Near Cold Spring station is bridge 120, twenty-four feet over all; built in 1889, has two I-beams twenty inches deep. Walls need repairs, and is to be fixed and widened. There are six passenger trains each way daily in the summer, and one local freight. There are a number of "Fink" iron truss bridges. They are all shored up with timber bents. Arches, where possible, should take the place of these trusses. This work should not be delayed. The floor systems of all the structures are well maintained, also guard timbers. This is true upon the whole system. The fences are up, in good order. The alignment and track adjustment is good, except for the last twelve miles, which, while not bad, could be greatly improved. The stations appear in good order, and well maintained, as are the platforms. The warning signs were also found in plain view and well painted. Point switches abound upon this branch as upon the whole system. The tie renewals will be considerable this year. Many were noted too ripe. The structural work in roadbed appear, as a rule, in strong life and safely maintained.

Babylon to Floral Park — Central Road.

This is twenty and a half miles long, laid mostly with fifty-six-pound rails, though there are four miles of seventy-pound steel rails. There are but four structures in the roadbed, and all were found in safe condition, and the masonry was also found well maintained. The warning signs were noticed in good condition, and the track adjustment was good. The ballast, though light, is well attended to, and the roadbed is in good form. Large renewal of ties will be made this year, and the sleeper life was found good, though occasionally a few were found not in first-class condition. This branch, as a rule, is in good condition.

Creedmoor Branch.

This branch is one and one-quarter miles long and fairly well maintained. There is but one opening in the roadbed and it is a half through plate girder about sixty-six-foot span placed in 1888.

Oyster Bay Branch.

This branch extends from Mineola to Oyster Bay, about fourteen and one-half miles. It is single track all but four miles out of Mineola. There are four miles of seventy pounds, and the rest is seventy-six pound-steel rail. There are ten regular passenger trains each way daily, and Wednesdays and Saturdays theater trains are run. There are five structures in the roadbed, and all were noted in very good repair.

The fences are in good condition where up. The track is well tied, and the adjustment is very good. Yellow pine is being utilized quite a little for sleepers, and with very few exceptions the tie life is strong.

Garden City to Valley Stream — New Line.

Six and one-quarter miles of single track laid, but graded for two tracks — seventy-six and sixty-one-pound steel rails are laid. This line is in excellent condition. The alignment is very good, and the grades nicely planned. There are no structures in the roadbed. It is well tied, and nicely graded.

Far Rockaway Branch.

This branch extends from Valley Stream to Arverne, about nine miles, and is laid with fifty-six and sixty-two and one-half-pound steel rails. There is one mile of double track from Lawrence to Far Rockaway. The rest is single. Eighty-pound steel rail have been laid to the west end of the trestle from Far Rockaway. Bridges 95 and 96 have been filled since 1892. The remaining structures were noted in strong life and well maintained. The station buildings were found in good repair, as were the platforms. The roadbed is very orderly and the track is well tied. The warning signs were also noted extra well maintained, and the branch is in good condition.

New York and Rockaway Beach Division.

This division was examined recently and the condition is very good. The long trestle is well maintained and close watch is kept upon it constantly. Large renewals have recently been made, and great care to keep it in a positively safe condition is taken by the officials.

Jamaica to Winfield, Old Road.

This is a single track road, laid with seventy-six-pound steel rails. The bridges, five in number, need paint, otherwise they are in good condition. This line, it is said, will be shortly double tracked. The stations were found neat and orderly and in good repair. The track is well adjusted and roadbed well attended to. The tie life was noted strong, with very few exceptions.

North Shore Division.

This division extends from Winfield to Great Neck, nine miles, of which four and one-tenth miles are double tracked. The rail is made up of seventy-six, seventy, sixty-two and fifty-six-pound steel. The platforms which were all very high and dangerous have been lowered since last inspection, and certainly makes an improvement. Corona station is to be renewed this year. The structures in the roadbed were all found in good condition and well maintained. The long trestle, 1,620 feet, total length, was strengthened last year. It is said this trestle will be filled up to the draw this year. The stations were all found neat and clean. The track is in good adjustment, and the sleeper life

was found strong. The renewals will, this year (when placed), make this line average good. The warning signs were found up in conspicuous places, and well painted. The whole branch averages well.

Whitestone Branch — Woodside Division.

This branch is four miles long and in excellent condition. There are eight openings in the roadbed, and all were found in good condition. The rail consists of seventy, fifty-six and sixty two pounds, all in good order. Bridge No. 43 has been shortened up some fifteen feet. The stations were found neat and clean and accommodations good. The track was found well adjusted and the roadbed neatly graded.

MOUNT MCGREGOR RAILROAD.

This road is narrow gauge and extends from Saratoga to nearly the top of Mount McGregor, is ten and one-half miles long. The grade to the foot of the mountain is easy and the alignment good. The four and one-half miles up the mountain are very steep, some 800 feet being the total elevation. The curves are very sharp and frequent. The sleeper life is only fair; 3,000 were placed last year and 1,500 will be put in this season. Chestnut is used largely. The frequency of decayed ties along the line upon the day of inspection would seem to argue no delay in placing the above number. The fences were found up in good condition. Considerable "sandy loam" filling has been accomplished in various places along the line. There is no ballast of moment. The rails lean outward as previously reported, and no effort has been made to place or keep them in a vertical position. This is certainly a serious defect, for in rounding one of the sharp curves upon the side of the mountain, derailment could easily occur. Repairs and renewals to the trestles near the top of the mountain were in progress upon day of inspection, and many bents, posts, caps, sills, stringers and floor ties were being placed or had been recently. The tie guards were noted not in strong life, but the officials assured your inspector that renewals would be made shortly. A new water tank has been placed about one-eighth of a mile from top of mountain. Five minutes is to be added to the running time, making it forty instead of thirty-five, as formerly; also, fewer trains. Only two trains will be run in the morning and two in the afternoon, this season. The warning signs are up in good position but need paint badly. The bridge and trestle near King's station, complained of last year, is now "bented up," masonry piers erected, and the bents quite close. The deck wooden truss in Saratoga, near the Delaware and Hudson tracks and over a highway, has been reinforced by additional timbers placed in compression, and composed of eight by twelve-inch yellow pine. New broken-stone surface has been placed around the Saratoga station in place of wooden walks. The platforms and flag stations along the line were found in good condition. The light iron rail should be replaced with steel at least fifty-six pounds per lineal yard, and ballast should be obtained. While schemes to remodel this road are sought after, the tendency to neglect the essential parts may be the cause of danger to the public. It is said no accidents have occurred, but the factor of safety should be ample at all times.

NEWBURGH, DUTCHESS AND CONNECTICUT RAILROAD.

This road is single track, and fifty-seven and eighty-four hundredths miles are maintained and operated from the Dutchess junction with the New York Central and Hudson River railroad to Millerton. Sixty-pound steel rails are used from Dutchess junction to Wicopee; seventy-four-pound from Wicopee to Hopewell, some eleven miles; sixty-pound steel rail from there to Millerton, except four and one-half miles of iron rail near the latter place. The New York and New England railroad pays trackage from Wicopee to Hopewell and the Poughkeepsie and Eastern (New York and Massachusetts railroad) from Stissing to Pine Plains junction, some four miles. The company owns a large gravel bed at Hopewell of some ten acres in extent. It is nicely situated and the gravel is very good for ballast. About one acre has been used in elevating the track at various places along the line, and a number of sags from two to three feet have been largely benefited. The president informed your inspector that the company proposed making the structures perfectly safe and improving the permanent way. The company suffered to a considerable extent by fire at Dutchess junction recently. The shops are located there and great damage was done to buildings and machinery. Yellow pine ties have been placed entirely the last three years. The general life of ties along this line is very good, though occasionally for short distances some were noted too much decayed. Twenty-five thousand will be placed this year. The curvature is large and somewhat sharp; many of the curves could be reduced easily. The adjustment of track is very good. Reduction of grade from fifty to thirty-one feet per mile was noted for four thousand feet. Near milepost 9 the warning signs were noted up well but many of them need paint badly. About four miles of ballast was placed last year between Legrange and Fishkill. Some four miles of new wire fence will be erected this season. Cattle slats should be placed at all the highway grade crossings. The roadbed is well graded at places and considerable care is given to keep the road orderly and free from debris. Rails for renewal were noted at each milepost in case of breakage. More attention to ditching and draining should be given at various places along the line. Only a few stub switches were noted and these are to be replaced with "points" very soon. Some 2,000 feet of siding has been laid at Glenham station for storage. Two new passenger coaches and one combination car purchased and three locomotives rebuilt since 1890. The stations along the line are generally maintained in good order, neat and clean. The high platforms at some of the stations should be removed and lowered without delay. Quite a number of the small openings have been floored over with T-rail, making a great improvement and adding greatly to safety. There has been 380 feet of trestle filled since 1890. An iron viaduct is to be erected in place of trestle this year. The new structure will be 216 feet long. The iron truss bridge over Fishkill creek, 289 feet, total length, built in 1875, appears too light for present needs and should be replaced with heavier structure without delay. Near Glenham station is a new lattice deck 151 feet long, erected last February, and is in good condition. North of Glenham is a through Pratt truss bridge, 153 feet, total length, with two plate girders at ends, twenty-seven feet each, over creek in good condition, erected in 1893.

The company owns a good quarry and all of the original small rubble masonry is to be replaced with good sized stone. This should not be delayed as many of the present abutments are in unsafe condition. Some of the small single openings need new floor timbers badly. The Sprout creek trestle, nine bays of twelve feet each, is to be replaced with a through Pratt truss bridge this year. This should not be delayed. It is on a curve and the piles are not over strong. Iron or steel I-beams should be placed instead of wooden stringers in not a few instances. Some of the small openings should be attended to immediately. An effort should certainly be made to place all of the structures in absolutely safe condition. The factor of safety should be ample and no chances should be taken. The Millbrook trestle is 600 feet long with twelve-foot bays, and is not in good condition. The stone "benches" are crumbling and the timber does not appear good and strong. The long span should be strengthened; in fact, this structure should be overhauled at once. The Bangall trestle, 380 feet long, is about half renewed. It is on a curve, and over a creek. The remainder should be renewed without delay. Near milepost 37 is a small opening, about twelve feet, that should be overhauled as soon as possible. A number of small wooden stringer bridges have been renewed recently. Near milepost 48 is a large stone culvert, which was washed out to some extent, but is now in good condition. Near milepost 50, is a thirty-foot opening over highway, half through plate girder and masonry abutments since last report in 1890. South of Milerton are a number of small openings that should be overhauled as soon as possible. It is a pleasure to note that the structures are being carefully looked after, and if this policy is continued for a short time, the road will average well with the other lines in this State.

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD.

Hudson River Division — Main Line.

This division is 143 miles long, double track, and laid with eighty and 100-pound steel rail. The physical features of this line remain in the same excellent condition as previously reported, in the general sense. Great improvements were noted, however, in the accomplishment of permanency in the maintenance of way since the last inspection, as compared with previous years. The tendency being a due appreciation of true economy. Openings in the roadbed that have necessitated renewal of stringers and floor ties every few years, have been replaced with solid rail coverings, and ballast material about two feet deep, placed upon the rail floor. This construction, up to a limit of say twelve-foot span, would seem cheap and permanent. Your inspector, while standing under one of those solid floors, in an opening of eleven feet, clear span, noted, during the passage of a heavy passenger train, that the rails immediately under the train had vertical movement at center of span of perhaps half an inch. The opening in question was one of two with center pier, the rails weighing sixty-five pounds per lineal yard, and in this instance two layers had been placed. Head walls are usually placed with rail sidings to hold the filled material. Where these solid floors are placed, the masonry is first overhauled and made permanent, the construction, generally, is very good for short

spans, and this company evidently intend to close all of the troublesome small openings, upon each of its lines, in this manner. In addition to the ordinary repairs upon abutments, piers, floors, trestles and the like, several new steel and iron structures have been erected since 1892. The ballast upon this division is in many places, and for quite long stretches, quite thin. Considerable was to have been placed this year, but the financial situation probably interfered. Next year it is very likely a large amount of ballast material will be forthcoming. The sleepers, as a very close rule, were found exceedingly strong in life, of large cross section, and very close together. The strong life of ties upon the passenger tracks of this company's main line is a notable feature. The renewals are made very frequent, and very few poor ties were noted. The rail joints are admirably attended to, and the general adjustment is almost perfect. The attention paid to spiking and bolts leaves very little to be criticised. The constant change to heavier rail is astounding. One hundred pound per lineal yard steel rail is being laid northerly from New York at a rapid rate. The section of this rail is very good and wisely adapted to the constantly increasing weight of rolling stock. It is six inches high and the metal is very nicely distributed for great strength. Peekskill has been reached with this heavy rail, and next year it will probably be laid as far as Garrison's station. The highway public warning grade crossing signs were noted nicely painted and in a strong state of maintenance, and in almost every instance conspicuously located. The cattle guards receive commendable attention, and great care is shown along the line in this respect. The embankments were noted full in width with very few exceptions. Close to the river a few instances were noticed needing protection and widening, but the work of constructing heavy retaining walls is constantly going on, and it is pleasing to note the care given to permanency of the work. The property is fenced strongly and very little was noted neglected. Care is given to placing posts of large cross sections and they are amply close along the line to properly and permanently uphold the strong wire strung upon them. The guard rails at switches were noted strongly braced and spiked, and great care was manifest in the form and condition of the long timbers and general appurtenances. The targets receive frequent painting, and care is given to repair and renew where necessary. The block signal system has now been in use nearly three years, and much can be said in its favor. The intricate parts have been well attended to, and great care is constantly given it. The passenger stations remain in the same excellent state as previously reported. The ordinary repairs to platforms, roofs, windows and the like are not neglected, and repair gangs were frequently seen along the line. Considerable painting, renovating and general overhauling was also being accomplished. Catskill station has been remodeled since 1892. New station grounds were being graded upon day of inspection at Germantown. The maintaining of flowers, grass lawns and the like around stations is to be commended. New Hamburg station has been remodeled since last inspection. At Garrison's was noted a new stone station building, very nice in design and accommodations. The building at Croton is new and well calculated for convenience. It is of modern design and has yard and surroundings rearranged. Outside

canopies were noted at a number of stations erected since the last inspection in 1892 of neat design, and giving great comfort to the public. The station at Mott Haven has been remodeled and set back in much better position since 1892. The overhead bridges were noted in strong life and good condition. The grass, weeds and brush were noted well cared for; in fact considerable attention is given to keeping the right of way in a neat and orderly condition. The tie bearings at joints receive extra attention and, with the tie plates, form a rigid foundation. Spare rails for renewal in case of accident were noticed "up" along this line quite frequently. Considerable new siding track in various places has been laid since 1892, and not a little rearrangement in yards has been accomplished. The item of drainage is given very intelligent attention. The importance of properly draining the roadbed and the adjacent land is well understood. The alignment remains the same as in 1892, with slight exceptions. Modifications are contemplated at various points, and another year will no doubt see considerable improvement. The curvature will be lessened where feasible, though the close proximity to the river precludes much of this work under present conditions. The crossing planks at highways were, with very few exceptions, in extra good condition. While this item is considered by some as not important, due consideration will prove that decayed and neglected planking upon a much-used crossing is many times the direct cause of serious accident. The switches receive extra attention and were found, almost without exception, in perfect condition — "split points" all and well supported. The whistle and crossing posts and marks were noted well painted, in good form and well maintained. A large number of braces have been placed upon the passenger tracks since 1892. This improvement adds greatly to safety in passage of curves. The present high rate of speed, particularly upon curves, necessitates it, and your inspector was pleased to note that the coming year it is expected that every curve of any sharpness will be protected in this manner. That the curves should be relined and trued up by instrument can hardly be denied, and it is hoped the coming year will see this important work accomplished. A new coaling plant was noted in the East Albany yard. Considerable new siding track was also noticed. Near milepost 135 is a new through plate girder fifty-nine feet long with solid floor and new abutments erected since 1892. Bridge 340 is a deck plate girder, twenty-nine and a half foot span, has new floor, needs cleaning, else good. Bridge 339 is a through pony riveted truss, fifty-four feet long and needs cleaning. Some forty-two openings have been piped and filled since the last inspection in 1892. This good work is to continue until everyone is filled. Sixty-three solid floors have been placed upon as many structures since 1892, and with those floored previously, nearly complete the number upon this division. The masonry at many of the bridges has been overhauled or made new and of larger and better stone. New floor systems have been placed upon many of the structures. Near milepost 131 is bridge 334, fourteen-foot opening, three eight by sixteen inch yellow pine stringers. Masonry is good and a solid rail floor is to be placed next year. Near milepost 127 is a twenty-three foot five inch opening with double I-beams in place of wooden stringers since 1892. A new

floor was noted upon bridge 324, which is a deck plate girder and thirty-one foot six-inch span. Bridge 323 has been piped with two lines of forty-eight inch cast-iron since last inspection. It was formerly an eleven-foot opening with wooden stringers. The ten-foot opening near milepost 123 has a new floor. Bridge 317, deck plate girders, twenty-five-foot span, was noted in the same good condition as in 1892. The thirteen wooden stringer openings remaining upon this division will, it is said, be made permanent before spring if possible. Near milepost 119 are three spans of new trusses 173 feet each in place of five spans of wooden Howe trusses, 125 feet each. The new structures are excellent in form and the workmanship of the best. New mileposts are being erected; they are of good design and stable. Bridge 303 consists of four spans of deck plate girders on piles in front of each stone pier. The masonry is to be overhauled and relaid next season and should be, without fail. Considerable work is to be accomplished next year in rebuilding piers. Piles have been driven in front of each pier face, and while safe the stone piers should be repaired without delay. The openings covered with creosote planking have stood well and the officials express satisfaction. A few openings have been treated in this manner recently. Near milepost 113 was noted a new center siding about 3,100 feet long, laid this year. Your inspector would suggest that every tie upon bridge floors be spiked. The practice of only spiking every other tie should be avoided. Instances are known where only the second and third and sometimes the fourth tie is spiked. This lessens the factor of safety. The question of proper spiking on bridge floors, while mooted among railroad men to a great extent, is of so much importance generally that it is much safer to spike every tie than take any chances. The iron and steel structural work was found in the same excellent condition as previously reported. Great care is taken in keeping rivets tight, cleaning on bridge seats, lower chords and painting. Wooden bridge 268 is ninety-five feet long, ten bays, was overhauled in 1890. Is to be stone abutments and steel superstructure next year. Bridge 267 is seventy-seven feet total length on piles, two stringers under each rail and eight by sixteen inches cross section, over water and all in apparent good condition. Should be stone and metal. Near milepost 95 from New York, was noted new abutments of very good form at overhead bridge. Bridge 264 is a thirteen-foot opening and is now being covered with solid rail floor; was wooden stringers. No. 263 was solid railed last summer, as were a number in this vicinity. Near milepost 91 is a deck plate girder opening needing long floor ties. Bridge No. 243 is deck plate girder of three spans, thirty feet each. The piers need attention without delay, and it was evident work would be continued soon; now bented upon faces of piers. A large number of cast-iron pipes have been placed this year, and great care given to leave ample waterway. Bridge 212 was I-beams, but a solid rail floor has been placed this year. No. 210 is a stone arch erected in 1854. After forty years' service this arch is apparently as good as when erected. Near milepost 75 was noted a heavy river wall some fifteen feet high, erected since last inspection. It is 200 feet long, but will be probably lengthened in the near future. At Poughkeepsie was noted a coaling plant repaired and overhauled; round-house, baggage

and express addition was also noted. Switch targets need painting through Poughkeepsie. The head room at arch under street near the above station is quite short. By placing girders instead of the arch the situation would be greatly benefited. A number of long floors have been laid since 1892. Bridge No. 178 consists of two spans of deck plate girders. One abutment and pier needs overhauling without delay. A new draw bridge was noted at Wappingers creek since 1892. Near Fishkill station are a number of brickyards. Many of the kilns are close to the tracks, and wood is piled too close for safety. An effort should certainly be made to keep the wood further from tracks. Bridge No. 157, about a ten-foot opening, has wooden stringers, should be railed solid. The north abutment should be relaid. It is only fair to say that where solid rail floors are placed, the stone work is overhauled and made permanent in every instance. Bridge No. 151 is about twelve-foot opening; now bented and needs rail floor and masonry relaid. This work should not be delayed. Bridge No. 147 consists of two thirty-foot span deck plate girders in good form, except masonry, which needs attention. Bridge No. 145 consists of bents on piles, fifteen-foot centers, and 268 feet long; should have new floor ties without delay. Bridge No. 144 is a twenty-five-foot deck plate girder in good form, but needs work on abutments; bents are in now, and it is safe, but delay should not be allowed. Near Garrisons station was noted three lines of cast-iron piping in place of old stone arch. The Fishkill draw bridge is to be new, and the approaches to be overhauled. Near Peekskill was noted two new troughs, 1,125 feet long, for taking water. Near bridge No. 119 a small opening, recently rail floored, was noted two new overhead bridges erected since 1892. A new coaling plant was noted near Croton station erected since last inspection in 1892. Six openings from No. 95 to 100, inclusive, were noted overhead, and track raised and ballasted recently. At milepost 33 was noted a through pony Phoenix column bridge. A plate girder is to replace this next year. Bridge No. 88, consisting of two ten-foot openings with wooden stringers, was found burned too much; should be renewed or bettered, solid rail floored. Bridge No. 86, deck plate girders, two openings, fifteen feet each, should have pier attended to. The girders at bridge No. 80 have been reinforced. The pier needs attention; is bented now. Lack of time precluded an examination of the old line down to Seventy-second street, New York. There are no openings in roadbed. Both tracks were laid with new sixty-five pound steel rail last year. A new overhead bridge was noted at Mt. St. Vincent station erected since 1892.

Mohawk Division — Main Line.

This division extends from Albany to DeWitt, has four tracks and is largely laid with eighty-pound steel rail. Great improvements have been made upon this division since the last inspection. The work of ballasting, while not given the attention desired, owing to the recent money stringency, has still been carried on to a considerable extent, and, generally speaking, this division is very well up. Yost gravel is used and forms very good material. The sleepers were found in extra condition. Extra care is given this item. They are of large section and closely laid. The renewals are very frequent. The

adjustment of track was noted almost perfect. The spiking and bolts at joints were found full and given ample attention. The warning signs at highway grade crossings were found in excellent condition and position. The cattle guards receive constant attention and were found, with very few exceptions, free from criticism. The banks were found amply wide and very well attended to. The fences, consisting largely of wire strung upon posts, were noted in strong condition; considerable was noted new and repaired since the last inspection. The posts are set very close together, are large and sound. The switches were noted in very good condition; the guards well braced and spiked, and little could be seen to criticise. The targets were found well painted and in a good state of repair. The passenger stations, aside from the ordinary repairs, were found neat, clean, and as previously reported. A new station building is contemplated at Little Falls next year. The plans are said to be ready and preliminary work of test pits and the like is going on. If erected, the location will be upon the old canal basin land south and west of the present building. The station at Herkimer should be replaced with a new building further west, and No. 1 track straightened. The main track crossing at this point is a very dangerous one. Gates are maintained and extra care is taken by the railroad company to protect life, yet several are killed or injured each year. The position of the station and track No. 1 would seem to be the principal cause for danger at this point. Considerable work has been accomplished at the Utica station. Many improvements made and the whole generally renovated since the last inspection. A new station is needed at this point, and perhaps the near future will see something done. Some better system is needed at the Utica yard for informing the public as to the movement of trains. The expense would not be great. The Kirkville station was burned down last spring and a car is now used. The coming winter will, it is said, see a new building erected at this point. A new building is in course of construction at Syracuse and when completed will be one of the finest if not the finest station and train shed upon the whole road. The overhead bridges were all noted in extra condition, well designed and stable. The property from fence to fence was noted very free from long grass, weeds and brush and track debris was noted well cleared away. Rails for renewal in case of accident were noted up and well cared for. The drainage of this division was noted generally good, though instances were observed needing more care in the short track drains on road-bed. Next year will see some betterment in the item of alignment. The curves are fast being braced, and in another year all of the sharp curves will be very well protected. The crossing plank at highways and farm crossings were found well maintained. Much care is given them, and few indeed were noted decayed beyond the limit. The marks, including whistle posts, crossings, stops, mileposts and the like were found well painted and strongly "up." The iron and steel superstructures were noted in good form and well maintained. A few loose rivets, some dirt on ends of girders and trusses, bridge seats and the like were noted, but not to any great extent. Oak ties were noted upon the western end and yellow pine upon the eastern. Some 300,000 renewals were made this year. The structure over the Delaware and Hudson railroad near Schenectady is completed and is very solid and stable.

On subdivision No. 5, from Albany to Schenectady, four bridges have been overhauled and repaired. A short distance east of bridge No. 371 was noted a forty-eight-inch cast-iron pipe line under the four tracks. All of the improvements referred to are since the last inspection of 1892. A large number of open cattle guards have been either filled in or pipes inserted, and also many solid rail floors were noted placed. Not a few arches in embankments have been overhauled and stone work relaid. Two thousand feet of new siding was noted near Yosts station. Bridge No. 425 is a thirty-foot half through plate girder, low and good. Tie guards are needed upon track No. 3. Near Palatine was noted four pipe lines recently inserted. Bridge No. 449 was being overhauled upon day of inspection, as was 451 over East creek. Between mileposts 229 and 228 about 500 feet of new retaining wall has been constructed. The new freight-house at Little Falls is admirably situated and gives good satisfaction. Furnace creek, Little Falls, is now railed over and solid roadbed made. Repairs have been made upon the abutments of structure over the hydraulic canal, Herkimer. On subdivision No. 7, Fonda to Utica, have been placed twenty-eight pipe lines and thirty-eight solid rail floors. Iron cattle slats have also been placed in many places and openings filled in. It is pleasing to note the desire to close up and make solid the roadbed over the minor openings. West of Whitesboro five courses of forty-eight-inch cast-iron pipe were noted in place of small culvert where water from the Erie canal did considerable damage a few years ago. Bridges 525, 526, 527 and 528 have been covered with solid rail floors. Bridge 535 has had masonry repaired and blocking renewed. No. 546 has been treated in a like manner and also been newly painted. New ties and guard were noted upon bridge 548. The masonry has been rebuilt entire at bridge 559 and culverts Nos. 568, 569 and 573. The improvements at the bridge over the Mohawk river has placed this important crossing in excellent condition. The old structure was well worn and needed removal. At milepost 200 long ties have been placed upon bridge 504. New ties were also noted upon Nos. 505 and 506. New through plate girders near Oriskany were noticed and all were found in extra condition. The through bridges generally bear the appearance of constant attention. Bridge 555 has had masonry all overhauled this year. The bents will be removed as soon as possible. Cattle pass No. 570 is to be covered this fall with old rail and masonry properly repaired. Quite an improvement was noted near Wampsville. The track has been straightened and general betterment accrues. Bridge 575 will, it is said, be covered with rail floor this fall. The through lattice bridge near milepost 168, over the Erie canal, has been recently overhauled and painted. Near milepost 166 a few poor ties were noted in track No. 2. Bridge 593 has bents in front of piers. The stone work is to be overhauled and relaid.

Western Division — Main Line.

This division extends from DeWitt to Buffalo and has been greatly improved since the last inspection. A new pavement has been laid through Syracuse to the station, and the construction under the tracks is of the best. Medina sandstone blocks laid upon six inches of

concrete were noted from the Erie canal arch westerly. The Duggan switch appliance was noted near the depot, so arranged as to be entirely covered, all the working parts being beneath the pavement. Ballast material has not been placed upon this line as freely as was expected this year, but next year it is said large quantities will be placed; still much of it is in extra good condition, particularly upon passenger tracks 1 and 2. The freight tracks have received considerable attention since last inspection, both in the items of ties and ballast and also in heavier rail. The cross-tie renewals have been large, and all four tracks as a rule were found in strong condition, though some poor ties were noted upon track 2 between joints. Those at the joints were noted in almost every instance large and sound. The spikes and bolts were noted well in, and little, if any, criticism could be made in the condition and adjustment of the tracks. The highway grade warning signs were found in extra condition, and conspicuously located with very few exceptions. The cattle guards consist largely of iron slats and are well maintained. The cross fences and wings were also found in excellent form and condition. Few, if any, banks were noticed needing to be widened to any extent. Attention has been largely given this detail. The fences are in the same excellent state of maintenance as previously reported. Considerable repairing has been accomplished and not a little new fence erected. The switches and their appurtenances were found in extra form and condition. Great care is taken in tamping and keeping in firm condition the foundation at these very important points. Point switches abound, and much satisfaction is expressed for them in their general action and safety of movement. The passenger stations have received the ordinary repairs this year and were found in neat, clean and permanent condition. No changes of moment were noted. The overhead bridges were found well maintained, strong and of good design. Dirt should be removed from all sills, however. Grass, weeds and brush were well cleaned up and the whole right of way found free from unsightly objects. Three tie bearings are the rule, and with the long heavy angle bars, tie plates and large spike a very rigid and easy riding joint is obtained. The entire main line is gradually being treated in the above manner. Spare rail in case of accident was noted frequently along the line. Considerable new siding has been added since the last inspection. The roadbed drainage, both laterally and longitudinally, has been attended to with intelligence, and many short spaces where the ballast was noted not full, the proper drainage principle assisted very materially in keeping the track up. A number of places were noted where comparatively small expense would to a great extent relieve bad features in the alignment. The coming year, it is said, will see considerable betterment in this direction. The curves were found nicely adjusted, and this is true of the whole line, though a relinement by instrument would no doubt give great results and many surprises. The item of crossing plank at grade, both on highways and farms, were found excellent in life of timber and position. The caution and danger marks along this division were well up and in extra condition, as were the mileposts and bridge numbers. Braces some five per rail length are being placed upon all curves, the sharpest being protected first. The braces

used are large and strong and admit of good spiking. Bridge No. 617 is over the Syracuse and Oswego branch of the Delaware, Lackawanna and Western railroad, is a heavy skew and has a well-made through plate girder structure in place of a riveted lattice bridge. The west abutment has been entirely rebuilt and long standard ties were also noted. A large amount of repairing has been accomplished on masonry approaches and the like. A number of minor openings have been made permanent by solid railing, or by inserting cast-iron pipe, and filling over with selected material. Bridge No. 618, at Geddes brook, was girders, but has now two lines of forty-eight-inch cast-iron piping. Bridge No. 619 consists of two spans of deck plate girders supported upon most excellent stone work. The material for these substructures was obtained near Lewiston, near the Niagara river. It has no seams, and is composed of lime and sand, and is very tenacious and strong in compression. The supply is limited, owing to the difficulty in quarrying it. Wooden cushion plates are being placed under all new metal work in the roadbed. This is wise and will be well thought of after a sufficient time has elapsed for trial. The girders over the Genesee river should, without doubt, have been placed upon wooden blocks. Metal and stone in compression, where constant pounding is the rule, should certainly be cushioned. Eight small openings were noted with solid rail floors, placed recently. Between Clyde and Rochester are four bridges supplied with long standard ties. Upon subdivision No. 11, between Rochester and Batavia, are some twenty-three minor openings which have been modified to solid rail floor structures since 1892. Six openings were changed to cast-iron pipe culverts. A large number of switches have been interlocked recently with semaphore signals. This will also hold true upon the other divisions. Twenty-one small openings were noted covered with solid rail floors between Batavia and Buffalo. No piping of moment was noted upon subdivision 12. Many loose bolts were noted on track No. 3. Near milepost No. 134, several drain boxes under tracks Nos. 1 and 2 should be opened. Bridge No. 630 is deck plate girder and two spans, forty feet each. A new pier was erected last year, which needs paint and cleaning at ends. Bridge No. 635 is a small opening and should be overhauled; bent now. Number 636 is over the Montezuma swamp and, with few exceptions, is in the same excellent condition as when last inspected. Driftwood should be kept free and away from piers. Some repairs have been made. Not a few of the piers were noted leaning, though not in a dangerous condition. Passing trains slow up and watchmen constantly patrol it. A few loose rivets were noted in bridge No. 641 over the canal. The new coaling plant at Lyons is excellently constructed and gives good satisfaction, both as to ease of coal movement and capacity. The coal is taken up in elevator form and thirty tons are elevated per one-half hour. Bridge No. 691 is trestle, four bays, twelve-foot centers, two stringers yellow pine and eight by sixteen inches cross section and on piles in yard, all built new two years ago. In changing rail, or placing tie plates, the practice of leaving rails improperly spiked should be avoided. An accident occurring during the interim might cause great loss of life. The retaining walls near the Rochester station remain in nearly the same condition as previously reported. While these walls may stand for years, positive safety would

seem to demand that the work of relaying should not be delayed. Eighty-pound steel is being placed upon tracks Nos. 3 and 4, ninety miles on No. 4 this year and forty miles on No. 3. Fifty-four thousand tons of eighty-pound steel rail have been placed upon the main line freight tracks this year.

De Witt to Geddes.

This freight line, extending around Syracuse, is about eight miles long, double tracked, standard gauge, and connects with the main line and what is called the Oswego junction. Great improvement was noted since the last inspection, in 1892. One of the tracks has been laid with the eighty-pound steel rail, and next year may see the other laid with this heavy rail. Five cattle passes have been solid rail floored in the last two years. Split point switches were noted upon the road proper, though in the DeWitt yard "stub" switches abound. For a freight line this road is very well maintained. The ballast material is very good, though considerable is needed in places; the traffic is heavy and ballast does not last long. The sleepers were found if anything in better life than in 1892. Large renewals have been made, though many were seen overworn and decayed. Single tie joints were noted, to some extent. The sleepers generally are of large section and laid close together. More care should be given to keeping the track in surface. Warning signs at grade crossings were found well painted and in good position. Cattle guards should receive more attention. The banks need widening in some places, though as a rule they were found in good form. The fences, where up, were in strong life. The switches and appurtenances were found in good condition, and guard rails well braced and spiked. The targets are well painted and in good repair. An abutment was noted being overhauled and strengthened upon day of inspection. Grass, weeds and brush are, as a rule, well cleared away, and the right of way neat and orderly. The attention given to spiking and bolts, while very good, could be better. Spare rails are kept at frequent intervals for renewal in case of accident. Better results could be obtained by giving more attention to proper drainage. The track force upon this line, from indications, would seem too small; this is also true of the other lines. It is false economy to expect that the roadbed and track can be kept in good, safe condition, unless an ample number of men are employed. The great harm done to rails and running parts easily proves this at the end of the year, as a matter of expense alone. The planking at public and private grade crossings were found in good repair and well laid as a close rule. Bridge 603 is an under pass and through plate girder needing new floor ties. These were promised immediately. Bridge 609 is a deck plate girder over highway; is on iron bents now. New and stronger ones are to be placed this year. Bridge over Oswego canal is a through riveted in good condition. The abutment has been extended and new floor ties placed since 1892. No. 612, over highway, has also been overhauled since last inspection. No. 615, over Onondaga creek, is a through riveted truss with good masonry and new ties. The deck plate girder over small creek looks in good form and condition, except the floor, which should be renewed. Officials said this would be done very soon.

Buffalo Belt Line.

This line is about eight miles long, double tracked and extends from near the William street station, on main line, northwesterly to the Suspension Bridge line. The traffic upon this line is quite heavy. One track is being laid with eighty-pound steel rail, and the other will be next year. Considerable ballast is needed. The moist and "pumpy" condition of the joints is hard upon the rail bolts, ties and running parts. Material will be placed next year. The traffic would seem to demand attention in this item. The ties were found in strong life, good section and close together, though not a few were noted too much worn and decayed. Many low joints were found. Clearance marks at switches are not in vogue upon this or any of the other lines. The banks are wide and full. The fences where maintained were found in good life. The switches are all "split points," and in good condition. Braces and spiking is good, as are the targets and other appurtenances. Grass, weeds and brush were noted cleaned up and cut; also track debris removed. The drainage could be bettered, if proper attention were given in details. The deck plate girder bridge was found in good condition. No delay should be allowed in placing ballast upon this line. The passenger stations were found in good order generally, ordinary repairs excepted.

Buffalo to North Tonawanda.

This line has been improved considerably since 1892. The track adjustment is good, and the gravel recently placed shows well, though not a little more ballast is needed. Next year should see an organized force. Tie plates were noted in use. The steel rail is in good form, and little of it was noted much worn. The sleepers were found in strong life, closely spaced, and of good section, though decay was noted now and then. Shinis were noted in to some extent. The warning signs at highways were found strong, well painted and good location, with few exceptions. The poor signs should be overhauled at once — this was promised. The cattle guards, mostly of wooden slats, were found fairly well maintained. The banks need filling out to some extent in places, though, as a rule, they were in good condition. The fences, where up, were found in good repair. The switches were noted well maintained. The guards, stands and targets appeared strong and in good order. The passenger stations were found neat, orderly and in good repair. The spiking and bolts were well in and strong, with few exceptions. Three tie bearings were noted and joints protected by strong angle bar. Rails for renewal were noted frequently. Considerable improvement could be made in the item of drainage. The iron and steel bridges were found in good form and condition. Some loose rivets were noted, but are to be tightened up without delay. The five bays, about fourteen-foot centers, near bridge 8 were found in strong life. The bents are double timber. The stringers continuous and eight by sixteen inch sections. Some of the metal work needs paint. Great care is given the bridging upon this line in the general sense. No. 16 consists of a through lattice, about sixty-foot span, over canal, and some four spans of deck lattice girders over water below dam. Some cleaning on bottom flanges and lower chord at ends was noted needed.

Peanut Branch, West.

This line extends from North Tonawanda to Canandaigua via Batavia. It is called the "East" and "West" "Peanut." Thirty-six miles, single track, standard gauge, and laid with sixty-five-pound steel rail. Some eighteen miles of new steel rail have been laid since the last inspection. The ballast is very fair for traffic; though noted slack on shoulders in quite long stretches, still in the general sense averages quite fair, though more is to be placed next year. The sleepers were found in very good life and tie plates were noted to Batavia. Some poor ties were noted, but not many. The rail joints were found well protected as a rule. The warning signs at highway grade crossings were found in varying conditions. Considerable painting is needed and overhauling; this work should not be delayed. The cattle guards should receive more attention. The banks need some widening in places. The fences need more attention. Where up, the fencing was noted strong. Some new fence has been built. Six thousand posts were noted delivered and set. Some 36,000 ties have been placed this year. The Lehigh Valley road run a large number of trains over this line. The switches were found in good condition, and as a whole appeared very well maintained. Two and three braces were noticed at guards, and the targets were found well painted. The spiking and bolts along the line were found as a rule well cared for. The passenger stations while neat and clean need considerable repairs. One high platform was noted. Grass, weeds and brush were found generally well cleared away, and right of way in neat condition. Rails for renewal were noted frequently along line. Attention is called to the necessity of more work in the matter of drainage. Enough attention is not given this very important item. The curvature is not great and the alignment is very good. Crossing plank were noted very well attended to, though some instances were noted needing entire renewals; staggered joints prevail and the surface of track was found fair, considering the limited track force. This road is in much better condition than when last inspected. A large number of the minor openings have been railed over, and quite a number of cast iron pipe lines inserted. Bridge No. 126 was wooden bents, is now solid floor V-form and deck plate girders. Over the Tonawanda creek, canal and highways are now four spans of through plate girders; was wooden Howe trusses; all good; erected before 1892. Many of the inserted pipes have had new end walls built this year. The sleepers are mostly oak. Mileposts should be erected. Whistle posts were noted in good form. Clearance marks should also be placed where necessary. The cedar ties are being removed. Three tie bearings at joints, thirty-six-inch angle bars and six bolts. The iron and steel bridging was found in good form and considerable new masonry constructed. Bridge No. 96 has new abutments. No. 126 was wooden stringers, has solid rail floor. The walls at Tonawanda island bridge were pointed recently. Bridges 100, 101 and 97 are having new walls erected. Bridge No. 95 needs new floor; has new masonry. Another year will see all of the small openings closed up. Those still existing are in safe condition.

Peanut Branch, East.

This line from Batavia to Canandaigua is fifty miles long, single track, standard gauge and laid with sixty-three-pound steel rail, taken after about three years wear, off the main line. At milepost 49 a new gravel bed was noted, some thirty acres in extent purchased since the last inspection. Ballast material is promised in large quantities for next year. This road is not what might be called poor in ballast, though quite long stretches need considerable. Some was noted being placed upon day of inspection. The sleepers were found in good life. Some 20,000 have been placed this year of pine and oak. Stretches were noted however, now and then short to be sure, but needing renewals badly. Another year will no doubt see this line well "tied up." The warning signs were found in good condition; well painted and in good positions. The cattle guards are mostly wooden slats and with few exceptions are in a good state of maintenance. The banks need considerable widening in places and this work will receive close attention next year. The fences should receive more attention, while up in the major part, still instances were noted needing repairs and renewals. The switches, "split point," were found in good condition, working smoothly and carefully attended to. Guard rails should at least be braced, spiking alone will hardly hold. The passenger stations were found as previously reported. Considerable repairs have been made and excepting paint they are well maintained. Grass, weeds and brush have been cleared up and the right of way from fence to fence appears in orderly condition. More attention is suggested in the item of proper spiking. Rails were frequently noted along the road for renewal in case of breakage or accident. The ditches have received considerable attention, though a number of instances demand more attention. The crossing plank at highways and private points were noted fairly attended to, still more attention should be given this important item. Marks were noted along the line, including whistle and crossing posts, mileposts and the like, and all in good order and strong. Some shimming was noted left in. This should not be allowed, and a larger track force would keep them out during the summer. There are no wooden stringers upon this fifty miles. Near milepost 45 are two openings with I-beams needing retieing on floor and should be overhauled. Bridge 52 is a deck plate girder over water on wooden bents, and masonry needs pointing. The pier is to be carried up. No. 50 has rail stringers about ten-foot spans; masonry fair; seven rails; should be I-beams or solid rail floor. Near milepost 37 is an opening having new rail floor on old masonry, all good. A cattle pass near by was noted with rail stringer; had poor floor ties and no tie guards. No. 46 is a cattle pass ten-foot span. Rail stringer, has good floor and masonry. No. 43 is an eight-foot cattle pass with rail stringers and good masonry; will soon be filled up entirely. No. 42 has new rail floor. Three spans of bridging near bridge 32 were noted over small creek; the channel is to be changed and part of structure to be filled up. No. 32 is about 170 feet of wood trestle on piles. No. 31 is trestle like the last, but ninety feet long. Both should be narrowed up if possible and masonry and iron girders placed. Near milepost 29 was noted a through riveted truss 190 feet long, erected since the last inspection. It is of modern design and ample in metal

At milepost 26 is a trestle about 220 feet long on piles; is a floodway and should be masonry and steel; it looks too old, though said to have been overhauled since 1892. No. 27 is over a highway and is now new deck plate girders since 1892. No. 28 is over a creek and about thirty-foot span, deck plate girder same as before; looks well. Near milepost 19 was noted a new solid rail floor. The two spans over Honeoye creek are now through plate girders erected since 1892 in place of wooden truss. Over the Rochester water-works pipe was noted a brick semi-circular arch recently erected and all in good form. Attention is suggested in the matter of repairs to not a few stone culverts under embankments; quite a large number of minor openings have been closed up by placing solid rail floors. Indications point to meager track force upon this line. Near Canandaigua were noted about five miles of track laid with square joints; this it was said would be taken up soon. No. 7 is an iron structure on iron bents, three spans, and all look good and strong. The three spans of iron superstructures near Canandaigua should be cleaned on lower chords and wooden cushion plates placed.

Auburn Road.

This line extends from Canandaigua to Syracuse, is single track, standard gauge and seventy-four miles long; is laid with steel rail, sixty-five pounds per lineal yard, taken from main line, except some new recently placed. It is a very old roadbed and the banks are all in good condition. The ballast is somewhat thin in places. Five miles have been placed since 1892. The sleepers with few exceptions were found in excellent life. The annual renewals have been large for the last few years. The ties are of good cross section and they are laid close together. The joints are well cared for generally though instances were noted not infrequently needing attention. Braces are in use upon all the sharp curves, of which there are quite a few. The crossing signs were found as a close rule in very good condition and conspicuously located. The cattle guards are nearly all slats of iron or wood, and with very few exceptions found in very strong condition. The fences were found well maintained. The switches were all found of the safety pattern on main track and all in extra good condition; targets well painted and guards properly braced as a rule. The passenger stations are, as previously reported, neat, clean and well maintained. Considerable complaint is frequently made by travelers about the Cayuga station and lunch room. By some agreement made in the past, nearly if not all trains stop and lunch is served in the hours between those usually observed. Time is lost in this way and something should be done, if possible, to change this deplorable condition of affairs. The overhead bridges were casually noted and found in extra condition. The right of way is free from long grass, weeds and brush and presents a neat and orderly appearance. The spiking and bolts along this line should receive more attention. Rails for renewal were frequently noted up and well cared for; easy to handle quickly. The ditches were noted well opened though the grass growing in them should be removed. The curvature is considerable, but nicely adjusted and well braced, particularly near Syracuse, where the curves are quite frequent. The item of crossing plank is well cared for and much attention is given this important adjunct. The marks along the line

are well up and nicely maintained. While this line has few openings in the roadbed as a rule, some twenty of the small ones have been solid rail floored since 1892, and six have been closed by inserting cast-iron pipe. Quite a large number of stone culverts were noted as previously reported, and many of these have been overhauled and masonry repaired. Abutments have been placed under three bridges, and as compared with two years ago much improvement is shown. Bridge No. 64 is a twelve-foot opening; has good masonry, no tie guards and needs new floor; is a deck built beam girder. No. 68, over Canandaigua lake outlet, is a two span structure, deck plate girders on iron bents, new since last inspection; was wooden Howe trusses; masonry needs painting. Some twenty miles of square joints still remain upon this line. Thirteen feet is the widest span, floored with solid rail. Ten miles of new fence have been erected since 1892. Forty-seven thousand ties have been renewed this year. Bridge No. 54 is a through plate girder over highway, about thirty-foot span, and new since 1892; is on old but repaired masonry. Near milepost 57 was noted a cattle pass with new deck plate girder and masonry. The ends of the newly railed openings have been nicely sodded to match the graded roadbed and looks workmanlike. Bridge No. 46, in the Geneva yard, was found in the same good condition as in 1892. No new sidings were noted upon this line. Bridge No. 41 is a high through riveted truss over canal; has also two spans of deck girders in good form but needing attention as to drainage upon lower chords. The trestle over Cayuga lake at end has been improved since the last inspection, and an effort is being made to fill, yet this year it is all in safe condition, but should certainly be filled. The draw bridge was found in the same condition as previously. The masonry in the piers of deck plate girder bridge near the Auburn station should be overhauled and girders cleaned at ends. Near milepost 24 was noted new abutment at overhead bridge. Near milepost 19 was noted a one-half through plate girder over stream, new since last inspection. Near Skaneateles station was noted a deck girder bridge of about thirty-five-foot span looking short for abutments. The ditches through the "Alps" should be opened. A number of new semaphores were noted at switches.

Charlotte Branch.

This line is eight miles long, standard gauge and laid with sixty-five-pound steel. Seven miles are double track. There has been but little change since 1892. The ballast is very good, though places were noted now and then needing material. The sleepers were found in good strong life as a rule, though many need attention and renewal at joints. The renewals should average more. The warning signs were noted up in good order and well located. The cattle guards are to be railed over, but are at present in good condition, though this work should not be delayed. The banks were found in good form as a rule, although some places were noted needing material. The fences were found well maintained. The switches were noted in general good order. Grass, weeds and brush were noted in good cleared condition, and the right of way looks orderly. Rails are kept for renewals at frequent intervals. The ditches were noted fairly well

cleaned out and drainage generally well attended to. Crossing plank were noted in strong state of maintenance. The marks were noted up very well. The trolley line running to Windsor Beach has greatly reduced the traffic upon this line. A ten-foot opening with wooden stringer was noted on northbound and box girder on southbound track; is to be filled and pipe inserted. The through riveted bridge over the Erie canal should be looked over and loose rivets attended to. The thirty-foot through plate girder over street needs paint. The short piece of sixty pound steel rail will shortly be removed. Too many short bolts were noted in plates at Rome, Watertown and Ogdensburgh crossing. Everything considered, this branch is well maintained for traffic.

Falls Road.

The inspection began at Rochester. This line extends to Suspension Bridge; is seventy-five miles long, standard gauge, and laid with sixty-five-pound steel rail, off main line principally. Nineteen miles are double tracked on the Rochester end. The ballast is scant, and many places for quite long distances were noted needing material. Next year a large quantity will be placed. The usual renewals of ties are about 45,000 per year and the sleepers were found in strong life, though a few at intervals were found too ripe. The rail joints are well protected by angle bars of fair section. Lack of ballast is shown in the joints. The track force is scant. Warning signs were noted well up, nicely painted and in conspicuous positions, though some need attention. The cattle guards should also receive proper attention. The filling out of banks was noted as needed in a number of places, though considerable of this work has been accomplished. The right of way is well fenced in. Five miles of new fence and about five miles of repaired fence was noted. Some places need attention. The switches are "split points" and well attended to, guards braced and well spiked. The targets are well painted. The passenger stations, aside from the ordinary repairs, remain in much the same condition as previously. The overhead bridges look well attended to and none were noted in an unsafe condition. Grass, weeds and brush have been fairly well cleared and track debris removed. At frequent intervals rail for renewal were noted in good position to handle easily. There have been no extensions of line. Some new sidings were laid. The drainage of roadbed has been well attended to, considering the track force. The crossing plank, as a rule, was noted in strong life. The marks were found well up along the road. Some twenty-eight small openings have been filled in and solid roadbed made since last inspection. This is a good record. One and one-half miles east of Spencerport the foundation walls for overhead bridge have been erected, old walls repaired and pointed on bridge No. 173 and new walls for bridge No. 122, east of Brockport. Bridge No. 123 has also new walls. Bridge No. 118, near Adams Basin, has new walls. Twenty-four miles of new sixty-five-pound steel rail have been laid since 1892. Between mileposts 65 and 66 was noted a twelve foot opening with I-beam stringers having new floor and masonry in very good condition. Some of the smaller openings should have stringers renewed. All of the openings less than thirteen feet are to be solid rail floored. Next year will see them all closed up. New retaining wall was noted at street in Brockport. Near Brockport, the one-half through plate

girder over street has had rivets tightened and masonry pointed. The plate girder through about fifty feet span over street and on iron bents was found in good condition. Near Holley station the one-half through plate girder bridge over street has new wall plates and all now in good form. Some tile piping was noted under embankments. The frost heaves and cracks this pipe at ends and it soon crumbles away. This is poor economy and dangerous to roadbed. The bridges upon this road were found in good condition. A few loose rivets, dirt on lower chords and at ends of girders, and repairs on floors, to some extent, are the principal criticisms. Near milepost 38 a small rail stringer opening needs new floor. Many of the bridges have been painted recently. A new overhead bridge was noted near milepost 34. Many loose spikes at joints were noted. In Middleport a new street has been opened and grade crossing made. Five stone-arch culverts have been overhauled and placed in good safe condition. The openings that are to be rail floored should not be delayed. While perhaps safe now, the chance of sudden failure is of too much importance. Between mileposts 14 and 15 was noted a new overhead iron bridge erected last year. A pump-house at Sanborn was burned and a new one has been erected recently. For ten miles on the bridge end the roadbed is free from openings.

Lewiston Branch.

This line extends from Suspension Bridge to Lewiston and is five and one-half miles long, laid with sixty-five pound steel rail, standard gauge and single track. There has been nothing accomplished in the item of ballast since 1892. One new rail floor has been placed and an opening closed. The sleepers were found strong in life, though instances were noted needing renewals. The rail joints, while protected fairly well, should receive more attention. The grade precludes much speed, but the track should be kept in strong and safe condition, owing to the almost vertical slopes upon the river side. The "stub" switches should be removed. The attention to proper spiking of rail is somewhat neglected; many instances were noted showing this condition of things. Watchmen are employed to keep the falling fragments of stone off the track, and trimming of slopes is accomplished frequently. It is said very few accidents have occurred recently. Notwithstanding all this, more care is suggested in removing trees near brink, and loose stone and disintegrated fragments along the face. Too much care can not be taken, where derailment would mean almost certain death to all on board. Nearly 104,000 passengers were carried upon this road last summer. The alignment is nearly all along the river's edge and high above the water. Observation cars are used principally. The large summer traffic would seem to demand greater care in maintenance. Ballast is needed badly in places. The filling above the arch in the short tunnel, spoken of in last report, is still needed. While having a picturesque appearance and not being particularly dangerous, still for absolute safety it should be accomplished.

Suspension Bridge to North Tonawanda.

This line is double tracked, standard gauge and laid with eighty-pound steel rail since the last inspection. The ballast material as a rule is good, though considerable is to be placed next year. The

sleepers were found in strong life and close together. The renewals this year have been good. The plates are in use and give satisfaction. The warning signs were noted in good condition and nicely located. The cattle guards while well maintained were noted in some instances needing attention. The banks were found very well filled out in the general sense. The fences were found well maintained generally. Switches as a close rule were found in almost perfect order, all of the safety pattern—"split points." "Interlocking" has been recently placed. The passenger stations were found in good condition. Echota station has been erected new since 1892; is brick and looks well. The right of way looks cleanly and grass, weeds and brush well cared for. Considerable attention is paid to drainage, though places were noted where small expense would greatly improve the condition of the roadbed and tracks. Crossing plank were noticed well cared for, in strong life, and well laid. The marks were found up in strong condition and nicely painted. The two spans of pony lattice trusses over the hydraulic canal have been overhauled and painted. One cracked bridge seat was noted on top of pier. Is to be replaced by new stone immediately. Between mileposts 21 and 22 is a through riveted bridge, about 100-foot span; has new floor and newly painted. Not a few cast-iron pipe have been utilized in closing minor openings. There are no clearance marks. A number of openings have been prepared for rail floors by relaying masonry and building head walls. The flooring should not be delayed. The iron and steel bridges were found in good, strong state of maintenance.

North Tonawanda to Lockport;— Junction.

This line is single track, standard gauge, laid with sixty-five-pound steel rail, and about fourteen miles long. The ballast is very good in many places and for long stretches. Next year it is thought more will be placed. The sleepers were found in very strong life, large section and closely laid. The adjustment of track is comparatively good. The crossing signs were found in neat condition and well located. The cattle guards are well cared for. The banks are amply wide, though places were noted, while not often, that need material. The fences were found well maintained. The switches and appurtenances were found in good working order, stands and targets well painted, and guards braced and spiked. The passenger stations were noted neat and clean. Beach Ridge is a new name since last inspection. The right of way is neat and orderly, and grass, weeds and brush well in control. The spiking and bolts were found very well cared for and full. Rails for renewal were noticed frequently along the line. The drainage of the track and roadbed is good. The alignment is very easy, being nearly straight, and the grades not excessive. The item of crossing plank is given considerable attention. "Split point" switches abound. The marks were found well up and nicely painted. A number of open-pit cattle guards should be closed up or railed over. There are no clearance marks. Near milepost 11 is a deck plate girder bridge, two spans, thirty-five and thirty-six-feet each; all in good condition. Near Beach Ridge was noted two spans, twelve feet each, with rolled beams. This structure is to be railed over solid. Near milepost 10 is deck plate girders in good form; has masonry pointed

up. Rail floors are to be placed here. Next year all of the minor openings will be covered. Near milepost 6 is a twelve-foot opening, with two, eight by sixteen-inch stringers under each rail, all in strong life. Iron pipe should be placed here if possible. Another year will see this branch in very permanent condition, as regards the structures.

Attica Branch.

This line extends from Batavia to Attica, is eleven miles long, standard gauge, single track, and laid with sixty-five-pound steel rail off main line. Nine openings have been covered with solid rail floors since last year. This branch needs some ballast material, though the traffic is not of much moment. It is well graded and the sleepers were found in strong life and well spiked. The warning signs were also found in good form, neatly painted and in good location, with very few exceptions. The cattle guards generally were found in good condition. The banks need widening some. The fences are very well maintained and are mostly wire and posts. The switches are good, and the stands and targets are well painted and strong. The passenger stations remain as previously reported, and ordinary repairs have been made for the year. Grass, weeds and brush have been well cut and cleared away, and the property looks neat and orderly. The ditches have been fairly well attended to, and the roadbed shows the improvement. The alignment is easy and grades not excessive. The highways and private roads have good crossing plank and well attended to. The two spans of pony lattice riveted bridging has been overhauled, stone work in abutments and new floor ties. Considerable of the masonry has been pointed up and overhauled since the last inspection. There are a number of openings with rail stringers, and all in safe condition upon day of inspection. More attention is suggested in the item of tie guards. Five miles of better rail is to be laid next year. Two miles have been recently laid. All the wooden stringers should be removed and iron or steel placed. Considerable betterment is noticeable since 1892, and another year the openings will be closed up entirely.

Geneva to Lyons.

This line is made up of single and double track, standard gauge, and fifteen miles long. It is laid with sixty five-pound, and worn eighty-pound steel. Upon either end are three miles of double track. All of the wooden structures are to be renewed this year. The item of ballast has received some attention, but not enough. Cinders are utilized to quite an extent. This line should receive at least five inches thick of ballast material. The ties, while in the general sense very good, still not a few were noted much decayed. The crossing signs for warning the public are well maintained, though some were noticed needing attention. The cattle guards were noted in good form and condition. The embankments were full as a rule. Still more filling should be accomplished in places. The property is very well fenced in, considerable care being evinced in this item. "Split point" switches abound, and were found well cared for. Passenger stations remain the same as in 1892 with few exceptions. Grass, weeds, brush and track debris were noted well cleared away. Rails for renewal were noticed

in good position and frequently along the line. The road is well drained as a rule, though more of this work would help keep the tracks up. The crossing plank where laid were found strong and in general good life. The marks were noted up and in strong condition. There are no clearance marks. Near milepost 9 are three bays on old piling, which should be renewed. Bridge No. 7 is an eighty-foot pile bented structure, now safe, but should be renewed. No. 6 is pile trestle, about seventy feet total, and should be renewed. Piles and timber are on ground to renew all. No. 4 is a pile trestle and is to be renewed. The renewing of the wooden structures should not be delayed.

Mohawk and Malone Division.

This line is single track, standard gauge, laid with seventy-five-pound steel rail, and extends from Herkimer, where connection is made with the main line, to Malone, a distance of 173.1 miles. The roadbed of the old Herkimer, Newport and Poland railroad is used some though in the construction; this old alignment has been modified and bettered considerably. Operations began in November, 1892. The road was in course of construction sixteen or eighteen months. It lies through an almost unbroken forest for a greater part of the distance. The ballast material is largely sand. The traffic consists largely of pleasure travel. The sleepers are large and close together and show no signs of decay. The rail is of good cross section and well laid; was originally laid without proper allowance for expansion and contraction, particularly upon curves. The crossing signs for public warning are well maintained as a close rule. Cattle guards were noted well attended to with but few exceptions. The banks need widening considerably, the new material in many places having been carried to the bottom of slopes by the elements. This of course is to be expected for some time on a new road until the material has had time to become firm. However, considerable care should be given in keeping the banks safe. The track force is meager for the amount of work needed. Good men are not easily obtained in this locality for track work and hard to keep when found. The fences where maintained are of the best, and great care is taken to keep stock off the right of way. Much of the road through the woods is not fenced at all. The switches are all "split points" and excellently cared for. The targets were well painted and the guards were noted very well braced. The passenger stations are of modern design and suited for convenience both in and outside. Another year will see some new stations erected. The overhead bridges all in good strong design and well cared for. The right of way, except through woods, is orderly and neat, and grass, weeds and brush well cleared away. As a protection against fire in the dense forest it would be proper to pay more attention to keeping inflammable stuff away from the track. The right of way is 100 feet wide on the average. The spiking and bolts are almost perfect and braces are amply used. The rail is well held, and considering the light shifting material the track is in extra good adjustment. Spare rails were frequently seen along the line for renewal and all well cared for. The drainage is good considering the scant track force. More men should be employed upon the track and roadbed. The alignment before the

woods are reached is quite easy for the country through which it passes, and this would seem to be true even in the virgin forest. The grades as a general rule are not particularly excessive, though a number of steep grades were noted. The crossing plank where placed were found of good size and well maintained. The rail joints are all staggered and well spaced. The marks were noted well up along the line, neatly painted and stable. There are a large number of steel bridges of modern design, and ample in metal. The substructures, where of stone, are well laid, on good foundation, and of good dimensions. The bridge over West Canada creek, near Poland, suffered recently owing to neglect in keeping the ice from piling up on the structure. The foundation of stone work was consequently washed away at one pier and another badly crippled and left overhanging. This creek is a dangerous stream during freshet time, particularly in the spring when the ice is breaking up. Great care should be given these crossings in the future. There are thirty-three solid steel floor structures on masonry, fifty-one pile and pole bent trestles, some seven deck plate girder bridges, eleven through plate girders, two riveted trusses, twenty-four separate minor openings and two trussed stringer openings. The pole trestles are strongly made, many of them of good height and all susceptible of being partially or entirely filled. A great amount of filling was accomplished last year, and next year these dangerous structures will be eliminated. Danger from fire is serious, and there should be no delay in avoiding it. While water is kept on some structures a number were noted without any. The wooden stringer openings should have iron or steel inserted. Bridge No. 30 is 425 feet of temporary trestle, caused by an embankment giving way. This will be filled during the year. Bridges Nos. 45 and 46, which were trestles, are now filled. Trestle No. 52 has a culvert and will be filled soon. A number of the trestles occur upon curves, and in consequence are all the more dangerous. Trestle No. 65, about seventy feet long, was filled last year. A number of sags and knolls will be attended to when the trestles are filled. Clearance marks were noted upon this line and well maintained. Some shimming was noted in. The sections average three men to five miles. Wooden sluices are in use under the tracks and in embankments, and will prove very costly when decay sets in. Since the New York Central Company took hold of this road considerable work has been accomplished. Six and seven braces per rail were frequently noted. No. 103 was a trestle 912 feet long, but has been filled. It was upon a sharp curve and in an unsafe location. Upon the Malone end a large number of cast-iron pipe lines were noted inserted under track.

Saranac Branch.

This line extends from Lake Clear junction to Saranac Lake station; is single track, standard gauge, laid with sixty-pound steel rail and is five and six-tenths miles long. This branch was constructed with the Mohawk and Malone railroad. It is very well maintained in the items of rail, ties, spiking, bolts, switches and the like. It should have material placed under the ties and the banks widened. The ditches need opening. The trestle should be narrowed and filled. The tar-

gets need paint. Clearance posts were noted up. This branch will next year receive considerable attention. Saranac Lake station is of good design and neatly kept.

Troy and Schenectady Branch.

This line is single track, standard gauge, laid with sixty-five pound steel rail, five years old, and twenty-one miles long. Forty-inch angle bars have been recently placed for ten and one-fourth miles. This entire branch has been ballasted since 1892, more than a carload deep per place. The sleepers were noted in good condition, large section and close together. The warning signs were found good, as also the cattle guards. The banks need attention in some places along the line, but as a rule were found in good form. The property is well fenced in. The switches and appurtenances are in good condition generally. Targets need painting to some extent. The passenger stations were noted in general good state of maintenance. Dunspeck Ferry station has been erected since the last inspection. The right of way was found neat and orderly and grass, weeds and brush well cleaned up. The rail is well spiked as a rule, and the joints in good safe condition. Some loose spikes were noted and more attention is suggested in this respect. The ditches were found well opened. The crossing plank were in strong condition, though a few were noted needing attention. Some twelve miles of new fence have been erected since 1892. Distance signals have been erected, and many other improvements made since the last inspection. Much cast-iron pipe has been placed; also solid rail floors on minor openings. Bridge No. 40 is now a solid rail floor. This branch was constructed in 1848. No. 38 is an arch, repaired last year. No. 35 is a deck riveted girder over highway, "doubled up" since 1892. A number of the metal structures have been reinforced recently. No. 34 is a deck plate girder, erected in 1892. No. 31 is a new rail floor; also No. 30. All the cattle guards, where open, have rail stringers. No. 28 is a new deck lattice girder. At Shaker's Mills is a seventy-two-foot span, which should be cleaned. A number of new iron cattle guard slats were noted. Near Cohoes station were noticed two distance semaphores, recently erected; also new siding. In Troy were noted two new deck plate girder bridges. All of the metal structures were found in good form and well looked after.

Troy and Greenbush Branch.

This line is double track, six miles long, standard gauge and laid with sixty-five-pound steel rail. Some four arches have been overhauled since 1892. "The Hall Rail Circuit Disk Block System" has been placed upon this line since 1892. This branch belongs properly upon the Hudson River division. The roadbed and tracks were noted well maintained. Ballast should be placed the coming year to fill out with. The ditches are very well open and the iron bridging looks well. The spiking and bolts seemed full and care was noted, though a larger track force could keep this line in much better condition.

Harlem Division.

This line now extends from Mott Haven junction to Chatham, 121 miles; is double tracked to White Plains and the rest single. The Chatham end is laid with four-inch rail, or fifty-six pounds per lineal yard. Some 6,000 tons of sixty-five-pound steel rail have been laid since 1892. Eighty thousand cross ties have been placed this year, 20,000 yellow pine and rest oak. Thirty six-inch angle bars are used with the new rail which is four and five-eighths inches high. From Mott Haven to White Plains the line is protected with the pneumatic signal system. But very little ballast has been placed since last inspection. The road-bed is, however, well graded and the most is made of the material at hand. Sleepers, as a rule, were found in very good condition, closely spaced and well in hand. The warning signs were found in good life of paint and timber, also good location. The cattle guards are well attended to. The wooden slats were noted in good condition. The banks were notably well filled out and the right of way clean and orderly. The fences were noted well maintained in the general sense, though some were noted down and needing renewal. The switches are all most entirely "split points," though a few stubs remain. These will be replaced soon. The passenger stations were found in neat, orderly condition. Bronxville station is new, built of stone and nicely designed. Tuckahoe station needs paint. Yonkers Park station is private, new, stone and very neat. The overhead bridges appear strong and well maintained. Rails for renewal in case of accident were noted up frequently. The ditches were noted very generally in excellent condition, well opened and free from grass and weeds. The track shows the effect of intelligent drainage. The crossing plank need attention to quite an extent, though, as a general rule, they are in strong life. The marks are up in good form and condition. Thirty small openings have been solid rail floored since 1892. This is certainly a good record. The masonry before being treated in this manner is relaid and made permanent. The combination wood and iron truss about 100-foot span, No. 55, is still in use. This bridge, while possible to stand for some time, should be removed without delay. The light through pin connected bridge over the Bronx river, No. 57, is 118-foot span; is now bent and should be replaced by a modern structure without delay. The masonry is very good. One cast-iron pipe has been inserted and opening filled. Some old "needle beams" from Harlem river bridge are utilized as stringers and are in good condition as yet. The floors should be renewed. Bridge No. 65 has wooden stringers; is safe now, but should be rail floored. No. 66 is a deck plate girder bridge, new since 1892. The masonry is not good and should be overhauled. Bridge No. 68, a twelve-foot under farm pass, is still in good form. Near bridge No. 70 is a fourteen-foot opening with old needle beams for stringers which needs new floor. A ten-foot opening with wooden stringers near by should be floored with rail. On section 10 near post is small opening with rail stringer and poor floor. Rail is on ground to cover with, which should not be delayed. Two twelve-foot openings with yellow pine stringers near bridge No. 75 were overhauled since 1892 and are now in good condition. Some sixty sets of split point switches have been placed since 1892. On section 11 and near Katona

station are two spans of deck plate girders and solid "U" formed floor, erected since last inspection, and as suggested then. It was formerly an old Howe truss bridge. Bridge No. 83 is now a through plate girder, new since 1892, and was a post combination bridge. Bridge No. 85 is a wooden stringer structure over street and is safe now, but should be I beams. Bridge No. 87 is over the Croton river. There is one span pin connected, then three spans of deck trusses, all to be overhauled and made stronger. They are on false work now; the work should not be delayed. Near Brewsters was noted about 1,500 feet of new "Y" track. A number of distance semaphores have been placed since 1892. There are a number of minor openings that will be floored over next year. Bridge No. 101 is over a creek and has three openings, wooden stringers, and was all overhauled about six months ago. Near Pawling are a few wooden stringer openings that should be attended to without delay. The officials said this work would be done before December. Near South Dover many spikes were noted missing. Near section post $\frac{1}{2}$ are two spans of deck plate girders with bents in side abutments which needs paint badly. It has good floor and is over a creek. Cleaning on bridge seats and painting should be attended to on whole road. On section 19 was noted a new arch culvert since 1892. The old one was washed out. North of Amenia station is a forty-foot trestle, to be filled in before December. A forty-eight-inch iron pipe has been placed, and filling should not be delayed. Near section post $\frac{1}{2}$ is a stone arch close up to track that should be lengthened, as the ends are too near the rail. All constructed in this manner should be attended to. The station agents all have neat uniforms. No. 123 is a deck lattice truss, and the north end has a new abutment inside of the old one. This bridge was new about three years ago. An under highway stone arch is too narrow for safety. South of Philmont is a deck plate girder span of about forty-seven feet that has been covered with rail since the last inspection. The masonry at the major part of minor openings should be overhauled, new material laid, and the old used for "chinking" and "backing."

Mahopac Branch.

This line extends from Golden Bridge to Mahopac, is standard gauge, single track, and laid with sixty-five-pound steel rail about six years old. All of the short openings are prepared for solid rail floors, which is to be done this year. The ballast, while not bad, is not good. It is obtained near Golden Bridge. The track force is limited. This branch is seven miles long, and 4,000 ties have been placed this year. The tie life is generally good, though not a few were noted as needing renewal. The warning signs need paint and should not be allowed to remain longer in the present condition. Stub switches abound. Two "split points" have been placed since 1892. The fencing is good. Switches and guards are very fair for "stubs." The right of way is neat and fairly in order. The ditches were found in open condition. Crossing planks were noted where laid fairly good. A wooden deck Howe truss, bented now for safety, should not be allowed to remain longer. The wooden stringer openings are safe, but should be replaced with steel at an early day. Some of the small structures are not in good condition.

Every one of these openings should be railed over next year at farthest. There is not much traffic, except in summer, on this road, but permanency is economy, and the cost of renewing these minor openings is considerable.

NEW JERSEY AND NEW YORK RAILROAD.

The main line extends (in this State) from the Jersey State line to Haverstraw, the maintained portion being twelve and two-tenths miles. Trackage is paid over some two and one-half miles of the Piermont branch of the Erie road. There are still about 19,050 feet of old iron rails, sixty pounds per lineal yard, in the main line. This is to be renewed with sixty-pound steel rails this year. The principal attention has been given to the roadbed, ties and rail since last report, 1890. The fences are not maintained as they should be, though some repairs and renewal were noted. The ballast is fair, though considerable distances were noted slack on shoulders. The sleeper life, while fair, should be given more attention. Quite a little renewing of ties was noted upon day of inspection, but to properly hold the rails, more work of this character should be done. There should be more attention paid to cattle guards and warning signs. The ditching, generally speaking, was found fair, though improvement could be made in this item. The track adjustment is fair. The small openings in roadbed are to be covered with solid floor of old T-rails. I-beams are also to be placed this year. The guard timbers, in some instances, upon the superstructures should be larger and stronger. A derailed truck might, at these points, cause serious accident. The rail joints are staggered, and very well maintained; angle bar fastenings are used, except where iron rail exists. A new turntable, since 1890, was noted. Some 2,000 feet of new fencing has been erected on main line since 1890. The openings between Spring Valley and New Hempstead stations (all small), and three in number, were noted safe. Iron pipe should be utilized where possible, and as many of these openings closed, as feasible. Between New Hempstead and Pomona stations there are no openings. Between Pomona and Mount Ivy stations is an opening of four bays. This is to be filled, and two lines of thirty-six-inch iron pipe placed. Between Thills station and West Haverstraw is an iron deck truss over a creek, about ninety-eight-foot span, with deck plate girders of thirty feet each, as approaches, some seven years old and apparently in safe condition and well maintained. Next, and about 150 feet distant from the above, is a deck plate girder bridge over a highway, it is about forty-foot span, is in good life, and on very heavy and strong abutments of stone. Guard rails and outside guard timbers abound here, and both are well adjusted and strong. Between West Haverstraw and Haverstraw is a pony trapezoidal through truss bridge over a creek, about sixty-foot span, all in good condition. Next is a twenty-foot opening over creek, with two I-beams; was washed out; now bented masonry, one end, to be relaid this season. This should not be delayed. It is on a curve. Two thirty-six-inch iron pipe lines are to be placed near by, on flat lands, for high water. The passenger stations are very well maintained; some need paint, but the repairs, generally, are well kept up. The stub switches should be removed.

New City Branch.

This branch is composed of iron rails sixty pounds per lineal yard, considerably worn, but still serviceable. It extends from Nanuet junction with the Erie Piermont branch to New City, some four and three-tenths miles. Stub switches abound. There are four trains (passenger) each way daily. The sleeper renewals should be increased, as many were noted too ripe to hold spike well. The ballast is scant. Cinders, to some extent, are utilized. The warning signs were noted up in fair position and condition. The cinders piled along the track in New City yard, should be used for ballast without delay. The openings are few, but well maintained.

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD.

Main Line.

This road begins properly at Woodlawn and extends to the State line of Connecticut, a distance of fourteen and three-fourths miles. The New York Central and Hudson River tracks are used from Woodlawn to the Grand Central depot. One hundred-pound steel rail per lineal yard has been adopted as the standard, and within two or three years the main line will be laid entirely with this weight of rail. The sleeper life is very strong and the renewals ample. Great improvement is being made through Mount Vernon. The tracks are being depressed (in rock largely), and when finished, the grade crossings will be eliminated through this place. The expense of this work has been and will be very great, but the improvement will result in great economy in operation when completed. The ballast is ample. The passenger stations are modern and were maintained. The track adjustment is excellent and the roadbed orderly and neat. The fences are in excellent condition; in fact, there is very little to criticise. The structures in the roadbed are properly maintained and all appear amply strong.

The Woodlawn junction crossing bridge is single track Pratt truss, two spans, 312 feet by 172 feet, erected in 1891. The Becker avenue, South Mount Vernon, is three tracks half through, and one track deck plate girders, thirty-three-foot span, built in 1891. De Milt street, South Mount Vernon, is another bridge erected in 1891, and is a four-track plate girder, span thirty-five feet. No. 9-A is Wilson's crossing, and is fifty-four-foot span, erected in 1893. Next, No. 10, is a (waterway) stone arch span twenty-six feet, extended in 1894. No. 11-A-1 is Highbrook avenue, Pelhamville, stone arch opening forty feet, erected in 1894. Second street, New Rochelle, is another stone arch of forty-foot span, built in 1894. Three street bridges in Port Chester were built in 1891; all steel and iron and well painted. The floors and approaches were found in every case in excellent condition.

Harlem River Branch.

This line is about twelve miles long and extends from New Rochelle junction to the Harlem river. It is double track now, but will probably, in the near future, be four tracks. The increase of freight business

upon this branch has been very great, and the necessity for paying more attention to the structures is each day made more apparent owing to this increase. The tie life is maintained strong and the fences are in good condition; the warning signs were also found in good condition. Some of the passenger stations need paint; otherwise were noted neat and clean and well attended to. The Westchester station should be renewed. The roadbed is well drained. There are thirty freight and twenty-two passenger trains each way daily. There are no extensions. Bridge No. 155 is deck plate girder, twenty-three-foot span; needs paint, otherwise good. No. 152 is wooden trestle, 870 feet long. Built in 1872 and subsequently renewed. Twelve-foot bays, all pine and in good form and condition. No. 151 is wood Howe trusses, forty-one-foot span, erected in 1872. This bridge should be renewed with iron girders. No. 150 is half through plate girder, fifty-foot span, in good form and condition. No. 149 is cattle pass, fourteen-foot span, should be overhauled. No. 148 is Pelham bay trestle and draw bridge. The bridge is a through Pratt truss, with span of 143 feet. Was erected in 1886. Is strong and well maintained. The trestle was built in 1872 and has been subsequently renewed. It is 3,348 feet long and is watched carefully. This trestle should be filled, if possible. No. 147 is wood trestle, span twenty-three feet, should be overhauled. No. 145 is over Westchester creek, and twenty-foot span, wooden stringers. This should be overhauled. No. 143 is cattle pass of thirteen-foot span, pine stringers, good floor and masonry. No. 142 is a half through plate girder, forty-seven-foot span and built in 1888, is now in good form and condition. No. 140 is over highway east of Van Nest and is fifty-foot span, half through plate girder, built in 1888. Now in good condition. No. 138 is temporary pile trestle, 600 feet long, with jack-knife draw, sixty-four feet long, built in 1893. There is being erected now a four track half through plate girder, 176 feet long. No. 137 is farm pass thirteen-foot span in good form. No. 136 is same as above. Both of these should have new substructures and I-beams. No. 133, Port Morris trestle, 1,940 feet long, erected in 1872 and subsequently renewed. This is partly filled now and the filling should be completed at an early date. Should be very carefully watched in the meantime. No. 132 is a wooden trestle, 120 feet long, built in 1872 and renewed recently but should be overhauled again. No. 131 is said to be a draw. It is in the Harlem river freight yard, is forty-two-foot span, Howe trusses (pony); cuts of a small arm or bay. It should be filled, for if this water was ever navigable it appears now not much more than a breeding place for disease. It is suggested that special attention be given the wooden structures upon this branch. They do not seem to have been given the attention that the increased heavy freight traffic would seem to demand.

NEW YORK AND SEA BEACH RAILROAD.

This road is as reported in 1893; no changes of importance have been made and but few improvements. The suggestions made in the last report have not as yet been carried out, though promises were given your inspector that this season would see them accomplished. No delay should be allowed in filling the trestle over Coney Island

creek arm. The ditch has been excavated, which will take the water, so as to allow of filling, and no reasonable excuse can now be offered. Considerable renewal of ties is being made and the track placed in fair condition. Repairs have been largely made in the items of motive power, coaches and the like. At the bridge over the Manhattan division of the Long Island railroad concrete is being placed at toe of abutments for protection. This road is operated with the least possible expense, from present indications, though the superintendent assured your inspector that great care is taken during the summer season in protecting the traveling public. Large crowds are carried and extra help is employed as the occasion demands. Not enough care is taken in properly adjusting the track or keeping the curves in true from. Both items are of great importance and should not be neglected

POUGHKEEPSIE AND EASTERN RAILWAY.

This was formerly the New York and Massachusetts railroad. The reorganization took place April 15, 1893. It is a single track road, standard gauge, and thirty-five miles long, between Poughkeepsie and Boston Corners; trackage is paid the Newburgh, Dutchess and Connecticut Railroad Company from Stissing junction to Pine Plains junction, a distance of four miles. The last report, in 1891, showed this road in a very bad state of neglect. The rail was poor and unsafe, and sleepers decayed beyond the power of holding what few spikes there were along the line. It was neglected in the items of ballast, fences, warning signs, switches, cattle guards, etc. Since 1891 great improvements have been made, including twenty-nine miles of the road fenced with "truss and cable" wire and good-sized chestnut posts, twelve feet apart. The wire strands are made up of three of the truss and cable style, one and one-quarter inches wide between the parallel wires, which are held together and taut by diagonal wires one and one-half inches apart. The two lower strands are barb wire, some of it old. The sleeper life is strong, and with the 30,000 that will be placed this year, extra life in this item is assured. Twelve miles of sixty and seventy-pound steel rail were laid last year. The remainder, excepting five miles of old iron rail, was laid at other times. The old iron is to be replaced with steel before the coming winter. Seven split-point switches, one new and two second-hand engines, one passenger coach and a combination car, have been added. While this road has been greatly improved in the last few years, much more has to be accomplished before it will average well in the matter of safety alone. The two long trestles should be filled without delay. A mason gang should be immediately employed to make the small stone, unsteady and insecure masonry safe. Fifteen to twenty extra men should be employed, if the 15,000 yellow pine ties yet to go in are placed this year. The northerly end of the road is in immediate need of renewals. The warning signs at grade crossings should not be delayed; there are only a few up now and all in a very dilapidated condition, not in accordance with the law and poorly located. It is suggested when the new signs are erected, which the superintendent assured your inspector would be very soon, great care will be given in placing them conspicuously. The item of ballast should be

given early consideration, for without an ample quantity of good material under the ties the track can not be kept up in good surface and adjustment. The subsoil is of a clayey nature along the line, and without good ballast the rail will suffer greatly. Surveys are in progress near Boston corners looking toward building a Y, and at the same time obtaining by its construction a large quantity of ballast material. To place this road in fair condition whistle and crossing posts and clearance posts at sidings should be erected and targets and signals should be well painted. All switches should have targets. Brush, old fence boards, posts, old ties and debris should be removed from the right of way. Of course it must be remembered that the road, run down as it was, can not be placed in first-class order in one season, but it would seem much more could have been accomplished and true economy subserved by employing sufficient help. The passenger stations were found all neat and clean and all agents clothed in neat uniforms. The ordinary repairs about the stations have been fairly well attended to. The platform at Ancram Lead Mines should be lowered, as it is now about four feet high and not convenient. Several stations have been abandoned. Two new water tanks and pumping appurtenances have been recently erected. Near Pough-keepsie are seven bays of timber trestle, fourteen feet center to center of caps, over a stream, which needs renewals badly, and officials say they intend to overhaul it thoroughly before winter. The next opening north is a low ten-foot opening in good life, but should be piped with cast iron and opening filled. Near a flag station are two separate small openings, needing repairs on masonry and also on floors and tie guards. Many of the smaller structures were noted with four-inch plank for flooring and no guard timbers. The liability of danger to the patrons of the road should a truck become derailed at any of these points is great, and no delay should be allowed in replacing these thin pieces with those sufficiently heavy and strong. The stringers along the line are yellow pine, generally seven by sixteen inches in cross section. Corbels were noted upon nearly all the structures. North of Pleasant Valley station are three bays of trestle, the stone work of which needs attention. One small opening was noted spanned by three T-rails under each track rail. Much of the masonry needs relaying. The overhead through plate girder bridge owned by the Dutchess County railroad was badly twisted and broken upon the northwesterly end two years ago, when several cars, by derailment, fell about sixteen feet. False work was placed under the first panel and a bent was also placed. While as a matter of fact trains run over this bridge, it is not properly safe. The girder overhangs at the top, and in consequence is not in good bearing. No delay should be allowed in placing this bridge in good condition. North of Salt Point are twenty-six bays, twelve centers, that have been overhauled since 1892. It is over a creek. The stringers are two seven by sixteen-inch yellow pine under each rail. This structure should be filled. Good material is near by, and the expense would not be great. The creek crosses it twice, at which points stone culverts should be constructed. South of Clinton corners are three bays, of trestle, in poor condition. Cast-iron pipe should be placed if possible. The culvert on the line south of Stanfordville was washed out some three or four years

ago and is now trestled. This should be rebuilt with large, well-proportioned stone and the embankment filled. The present temporary structure is not safe. This work should be commenced at once. North of Pine Plains station are three trestles, liable to sudden failure, and very costly to maintain. They are not in good condition and should be filled. A cattle pass twelve feet wide just north of Ancram is in an unsafe condition, bents and braces in side walls, masonry poor, and should be relaid at once. Next north are two separate long trestles, over 500 feet each. Both have been overhauled to some extent, but repairs and renewals at vital points are still needed. Stringer joints are made at center of bays, the inside stringer being bolted to the outside one. This is not good construction, and should not be allowed in any event. All of these trestles are open to danger from fire. Water in barrels closely spaced should be placed and maintained at once. These long trestles should be filled without delay, as large quantities of material are near at hand. The ditches along the line should be opened. This road passes through a rich grazing section of the State, and if safely maintained should do a large business. It is certainly not true economy to constantly patch up old trestles when material is so close for filling.

ROCHESTER AND LAKE ONTARIO RAILROAD.

This road extends from North avenue to Sea Breeze, Lake Ontario. It is single track, standard gauge, and six and one-half miles long. Since the last inspection, when heavier rail was recommended, three miles have been laid with fifty-six-pound steel; the remainder will be laid this year. Some 4,000 ties were placed last year and 1,000 will be placed this year. It is largely a summer road. The renewal of ties should not be delayed. The stringers of the open cattle guards should be renewed. Considerable improvement is promised in the matter of platforms and stations this year. The sleepers are mostly cedar — six by eight-inch section and eight feet long. The adjustment of the track could be greatly improved. The Birds and Worms station was noted clean and neat. The Sea Breeze station has been greatly improved since last inspection. It was formerly only a roofed platform. It has been enlarged and inclosed and generally remodeled. Trains run hourly between June first and September fifteenth, from 6 A. M. till 10 P. M. Point switches have been recently placed, and the "Weir" switch stand and signals adopted. The warning signs are up in place well and the paint is bright.

ROME, WATERTOWN AND OGDENSBURGH.

(N. Y. C. & H. R. R. R., Lessee.)

This division of the New York Central system was taken on March 14, 1891. It consists of eighteen separate corporations, aggregating 697½ miles. Very important improvements have been made since the last inspection in 1891, and a large amount expended in the maintenance of permanent ways, including new iron and steel bridging, strengthening two light structures of metal and wood, new stone sub-structures, also relaying and repairing, ballasting roadbed, new and

heavier rail, extra renewal of ties, new station buildings, also repairs and remodeling. While much has been accomplished, much more should be, and the officials informed your inspector that the near future would see many needed improvements. Fifty miles of new fencing have been erected since 1891.

Utica to Clayton via Carthage and Theresa Junction.

This line is single track, 109 miles long, standard gauge, and laid with steel rail, seventy pounds, to Philadelphia junction in 1891-2. The remaining distance is laid with sixty-two-pound steel. Ballast of very fair quality has been placed upon much of this line. The sleepers generally were found in strong life and renewals not grudgingly made, though intervals were noted needing new ties. They are quite close together and of very fair cross section. Oak and yellow pine were found to quite an extent, though cedar and chestnut have been placed largely. The ballast varies considerable in quality, from very fine to quite coarse and excellent. The important item of drainage has not received the attention it should have. Too many instances were noted where the ditches evidently, if opened and graded, would assist greatly in keeping the track in proper position. Considerable good ditching was noted, but more attention should be given it, at least until new and good ballast material is forthcoming. Grass, weeds and brush were found well cared for over the entire line. Too many sections, however, were noted where greater care could be easily given and the property made to look better. The embankments, while fairly in proper width on top, need considerable material at places all along the line. The fences were found generally of wire and posts, though some board fencing was noted. As a rule this line is well fenced in and considerable care is given this item. Attention is, however, called to a few instances needing immediate repairs. The track adjustment, particularly where seventy-pound steel rails occur, was found very good. The rest, while fair, could be bettered by intelligent care. Few instances were noted needing bolts and spikes. This line seems to have been well cared for in these items. The warning signs at the highway grade crossings should receive immediate attention. A large number have the letters almost entirely obliterated. Great care should also be given the position of the signs so that the highway traveler may positively see them. Cattle guards and cross fences need attention. A great many places were noted without either. The officials informed your inspector that cattle guards would be placed as soon as a style could be found that would keep stock off the track. Cattle walk deliberately over many of the present style cattle slats, those of wood particularly. The whistle, clearance, section and mile marks were noted up well. Semaphores have been placed at all the stations along the line of neat design and conspicuous, with wing and disk attachment. The switches were found in excellent condition. The stand timbers were found in strong life, though a few were noted needing attention. The right of way in the main was noted orderly and little could be seen to criticise. Passenger stations remain in much the same condition as previously reported. The building at Carthage was erected in 1892. Holland Patent station needs attention at once. The plaster is falling down

from ceiling and side walls and the interior is in poor condition. A new building at this point, with at least average conveniences, should be erected. Many of the stations have been recently painted. The station building at Prospect was built last summer, also a car house. Port Leyden station needs paint and repairs. The Glendale station was being overhauled during inspection. Castorland station should have location changed and should be across the highway further north, and a new building erected. Deer River station needs paint and repairs. At Philadelphia junction was noted a new coaling plant, nicely arranged and ample. All of the mileposts upon this system are dated from Suspension Bridge. Confusion occurs many times in consequence, and a new system will soon be inaugurated, necessitating complete rearrangement. There are a great number of small openings in roadbed. Wooden stringers abound largely, and, as a whole, were found in strong life. The floors were also found strong in life of timber and closely spaced; the tie guards or spacing ribbons were also noted generally good. The practice of covering sills in trestlework was noted. This can hardly be called good construction; it precludes easy inspection of an important member, and where located so that the timber is in an alternating condition of moisture and dryness rapid decay often ensues. Again, where sills are covered up the tendency is to neglect them, it being somewhat troublesome to uncover each at the usual division inspections made by the railroad officials. While considerable has been accomplished in renewals, repairs and general betterment to the substructures at small openings, a great amount of work is yet necessary to place the stone work in good condition. At Utica, over the Mohawk river and adjacent flat land, were noted bridges of recent construction, well designed, but needing paint and cleaning at ends. A large number of three bay trestles were noted, generally in strong life upon day of inspection, but illustrating poor economy in renewing them from time to time; stone abutments and I-beams should be placed where possible. Many, where now twenty and more feet long, need only be ten and less feet wide, if stone and iron is used. An effort should be made, by the officials of the road, to close and narrow up as many as possible. A few of the roads find it quite profitable to employ agents to watch when land is divided up or sold to others, and purchase cattle pass rights. Some ten pipe culverts have been placed this year, and as many openings closed. North of Stillville is a sixty-eight-foot deck plate girder, erected in 1891, over creek. Masonry needs pointing; some of the stone work here was new in 1891. North of Holland Patent is a cattle pass with posts, looking as if renewal was needed. The bolts through tie guards, in too many instances, were noted scant in diameter. It is well to be liberal with size of this item. The deck plate girder near milepost 294 S. B. needs paint badly. This is true of many of the iron and steel superstructures. Large renewals of overhead wooden highway bridges have been made since 1891. Near milepost 291 S. B. is an opening, eighteen-foot span, used as a cattle pass. A new deck plate girder is to be put in shortly, and the masonry should then be relaid. Next north is an opening needing new masonry. South of East Steuben station is an opening over a creek that needs renewal, or deck plate girder. Many of the short trestle spans should have water in barrels for protection against fire. Near milepost

285 S. B. is a cattle pass with sills covered, said to be three years old, should be narrowed. The next structure north has sills also covered. Near milepost 281 S. B. are three bays of trestle to be renewed with girders and masonry. In the Boonville yard are small openings with dry stone abutments overhanging. The head room is low and should be attended to at once. North of milepost 279 S. B. is a cattle pass, three bays of ten feet each, said to be three years old. Stone is on ground now to renew with. Near milepost 277 S. B. are fifteen bays, twelve-foot yellow pine centers over the Sugar river, new this year. There are two spans of deck lattice riveted, girders 213 feet total. The iron looks in good form. All of the stringers and floor ties are not older than three years. Some were noted looking older, though the difference in quality of timber might account for aged appearance. North of milepost 264 S. B. is an opening with poor stringers. This should be piped. The bridges are to be placed soon. North of milepost 263 S. B., over a stream, is a fifty-eight-foot deck plate girder, erected in 1892, with good masonry. A number of cattle passes were noted covered with T-rail solid floor. Attention is called to a number of very small openings. These openings, while small and open, should receive careful attention, for a derailed truck could do great harm at any of them. South of milepost 258 S. B. is masonry overhanging at a cattle pass. Something should be done in the item of poor masonry. The mason gang should be greatly increased for economy's sake. Too few are employed for the miles of road. South of Lowville are two spans of deck plate girders, 156 feet long, erected in 1892 in place of a too light iron bridge. South of milepost 251 S. B. is a ditch opening with caps on piles twelve by fourteen inches; should be masonry and iron in swamp. South of Castorland is a fifty-five-foot through plate girder, erected, in 1892, upon old but good masonry. North of milepost 246 S. B. is a through plate girder fifty-five feet, built in 1892, and needs paint. All of the recent bridges, since 1891, need painting. The material used, an asphaltic mixture, was exceedingly poor. The above girders replaced an old light whipple truss. Not enough care is given the "black timber" at many of the small openings. Over Deer river are six spans, 493½ feet total, new in 1891. Piers were also erected then; all in good form now. Next north is a ditch opening, twelve-foot span, with twelve by sixteen-inch stringers. Is to have twenty-inch I-beams. The next north should have I-beams. The masonry is fair. South of milepost 243 S. B. are four twelve-foot openings — flood way. Bents are on piles; safe now, but should be I-beams and masonry piers. Several of the minor openings should be arched with stone. Their location and headroom would suggest this as the best economy. The iron bridge over Black river near Carthage, total length 551 feet, seven spans, has guard rail, and all appears in good form, but needs paint. Near milepost 229 S. B. were noted some small openings covered with T-rail. Between mileposts 232 and 233 was noted a through plate girder, 107-foot span, erected in 1892. Near milepost 225 were a number of new small structures, including arches erected last year. At milepost 240 was noted an eight-foot opening, quite poor. There were no tie guards and the floor was bad. At the Clayton end considerable new work was noted on minor openings. Three spans of 170 feet of new deck plate girders were placed in 1892. It was an arch and was washed out.

Theresa Junction to Ogdensburg.

This line is forty-one and nine-tenths miles long, single track, standard gauge, and laid with steel rail, fifty-six pounds, except the last ten miles, which is sixty pounds. The light rail was laid in 1884. Grass and weeds were noted on track to some extent. Twenty-four miles of good gravel ballast material were placed last year. Spare rails were noted along the line. The fences were found poorly maintained, though where up is strong. The sleeper life while very good, yet many were noted too much decayed. The ties are close together and of good section. Ballast should be forthcoming. The ditches should be given more attention. The track force is scant. The roads suffer for want of good drainage. The crossing plank at highway and farms should be given more attention. The switch targets need paint, though they were painted recently; the paint used fades rapidly. The highway warning signs should be given attention both as to paint, form and location. Telltales at overhead bridges were noted up in a good state of maintenance. An effort is being made to place all of the overhead bridges the legal height above the rail upon the entire system. Instances were noted where ties were too much worn at rail joints. Stub switches should be removed as soon as possible; it is said this line will be free from them shortly. Not enough spikes are used upon this line, and not a few bolts at joints were noted missing. Near milepost 249 was noted a new "split point" switch placed last year. Semaphores were noted at nearly every station upon this line. The adjustment of track is ordinary. With small expense it could be bettered greatly, both as to surface and line. Considerable renewal of ties were noted and of good section. There are a number of sags that could be easily taken out. An attempt is to be made to accomplish much of this work upon the whole system in the next two years. Embankments should be widened upon top in many places. A new telegraph line is being placed along this road. Five trains each way daily attend to the business. The adjustment of curves was noticed good. Considerable attention is given in relining with instrument. Some new retaining walls were noted too thin to stand any pressure and of two small sandstone. This is poor economy. A great number of small openings were found upon this line along the St. Lawrence river. As many as seven and eight per mile were noted. While many are needed, perhaps, to properly take the water from adjacent hills, something should be done to close up a number of them. The constant cost of renewal would in a short time more than pay to erect. A large amount of the masonry along this line should certainly be taken down and relaid in good hydraulic cement. Many there are with stone too small; much of it could be used to chink in with or for backing, but very little should be allowed where pressure and constant jar is going on. A mason gang should be employed upon this line until good, sound, stable substructures are the rule. There are 140 small structures ranging from four to twelve feet, besides iron and steel large spans in forty-two miles of road. Near milepost 236 was noted a thirty-foot deck plate girder, old, but reinforced in 1892 and needing paint. An eleven-foot opening with two eight by sixteen-inch yellow pine stringers under each rail near milepost No. 238 was noted. The floor and stringers are new but

masonry poor and dry. The floors and stringers were noted in strong life upon this line. Some poor stringers were noted though not many. Chances should not be taken as to the exact length of life in stringers. When failure occurs it is always sudden. The trussed stringer opening between mileposts 241 and 242 has one and one-quarter-inch round iron rods. The stringers are three, eight by fourteen inches. The opening is fourteen feet. All appeared in fair condition. Cast-iron pipes should be placed at many of these small openings. Iron pipe was never so cheap as now, and economy and safety would be greatly subserved by utilizing a large number of them. Near milepost 244 is a thirty-nine-foot deck plate girder bridge, erected in 1892. The masonry is also new. It was an old, too-light Bollman truss. Near milepost 250 was noted an eight-foot opening with some poor ties. Near milepost 254 is an opening (cattle pass) with stone on ground for new abutments. Near milepost 256 were noted quite a few openings that should be piped if possible. Near milepost 259 is an opening thirty-eight feet wide spanned by a new deck plate girder in 1892. All of the stringers upon this line are yellow pine. The passenger stations were found neat and clean and with fair accommodations, but they did not seem as well attended to in the item of repairs as would seem proper and economical. Redwood station should be overhauled. South Hammond station needs attention in the matter of paint and plastering. Hammond needs repairs on chimney, and paint. Ogdensburg station was noted newly painted. Morristown needs, among other things, surfacing in front and at rear entrance. Considerable side track has been laid since 1891.

Ogdensburg to DeKalb Junction.

This line is standard gauge, single track, eighteen and nine-tenths miles long and laid with sixty-pound per lineal yard steel rail. Two-thirds of the sleepers are cedar and the rest made up of oak and pine. The tie section has been increased from six by eight inches to six by nine inches. The tie renewals have been scant upon this line; too many were noted decayed and worn. Ditching certainly needs attention. To clean away weeds and grass is not enough many times, good judgment should be exhibited and grading and deepening carefully attended to, if the best results are to be expected. Not enough attention is given to properly spiking the rail, too many were noted missing. The bolts at fastenings were noted neglected. The appearances would indicate too few trackmen. The road is not well ballasted. In fact for long stretches no ballast was found. The track adjustment in consequence is quite ordinary. Spare rails in case of accident were noted frequently along the road. Something should be done in the item of warning signs. Many were noted very poor. Clearance boards were noted at all switches liable to have cars standing upon them, though a few need attention. The crossing plank at highways and farms were noted well attended to, though instances were noted needing renewal and repairs. Cattle guards do not seem to be given much attention at present. Five trains each way daily handle the traffic. Poor, small stone for retaining wall was noted. The rail joints are upheld by two ties and four bolts and angle bars are utilized. Many low joints were found. Some

new fences were noted recently erected and of good design and strong. A large amount of barb wire was noted. The guard rails at switches were found fairly well braced. The switch-stand timbers generally were found as a rule strong and amply large. Targets upon this line were well painted, but instances were noted where attention should be given them. Upon the whole system there are four and seven-tenths miles of double track. Grass, weeds and brush, from appearances upon day of inspection, do not receive proper attention. Stub switches abound. The passenger stations were neat and clean. Heuvelton station is newly painted, but the step at door is too high for comfort and safety, and plaster inside is falling. Near milepost 272 is a thirty-seven-foot deck plate girder erected in 1893. Masonry is old but fair. The minor openings have good floors and stringers. Much of the masonry, while dry, open and needing relaying in cement, is better than some of the other lines. The oldest stringers do not look over six years of age. Some, however, seemed ready to be renewed. The through wooden Howe truss near milepost 265 was erected in 1885 and at present looks in fair life. New ties upon a ten-foot opening near milepost 265 are needed. At milepost 265 are four bays, fourteen-foot trestle, all overhauled two years ago; iron girders on ground now. Near DeKalb junction was noted a four-foot opening with stringer looking too old and masonry is dry and poor. Near milepost 279 are two spans of wooden Howe trusses 118 feet, erected in 1885. While possible to stand for some time yet chances should not be taken, and iron structure is suggested.

Massena Springs to Gouverneur — Main Line.

This line is single track, standard gauge, fifty-three and one-tenth miles long and laid with sixty-pound steel rails. Sleepers are nearly equal between oak, pine and cedar. The sleeper life is good and are laid close together and have fair section. Some poor ties, from wear and decay, are noted. Many poor ones were noted at joints. Trackmen are scant upon this line. Spikes were noted in too many instances loose and missing. Bolts were also loose and missing beyond any safe limit, particularly for main line maintenance. Ballast should be placed. While considerable has been given this line much more is needed. The roadbed needs widening and more attention given to drainage. Sandy loam for long stretches was noted. The adjustment of track is fair considering lack of good ballast material and proper drainage. The fences across pasture lands were noted well maintained, though more attention is suggested. The warning signs need paint and attention as to proper form. The right of way is not cleaned up. Many old stumps and track debris was noted. A sprinkling of cinders for ballast was noted now and then along the line. Cattle guards should be placed upon this line. The absence of them was noticeable to quite an extent. Spare rails for renewal in case of accident were noted missing. Whistle, clearance, section and mile marks were noted generally well up and in good life of paint and material. Many cross fences were found down. The rail is supported at joints by angle bars and four bolts were in use. Stub switches abound, though not a few split points have been placed since 1891, and a large number will be in the near future. There seems to be no attention paid to the

warning signs at many places. Switch targets need paint, but were found better upon this line and painted recently. Grass and weeds on track were noted. Twelve of the fifteen miles between DeKalb Junction and Gouverneur have received about five inches of coarse ballast material since 1891. Between mileposts 247 and 246 was noted a gravel pit of eleven acres in extent and from twenty to forty feet high. The material is quite coarse and easily obtained. The floors and stringers upon all the minor openings, the officials informed your inspector, are not older than seven years. Some look older, but may be owing to medium quality. As a rule, however, their appearance is good. Near milepost 295 is a ninety-five-foot deck plate girder erected in 1886. Masonry was constructed at that time, and at present all appears well. Near milepost 294 is a fourteen-foot opening with yellow pine stringers and fourteen by sixteen-inch section. The floor ties should be renewed. Near milepost 291 is a three-foot opening that should be iron pipe. Near milepost 290 are two spans with stringers eight by sixteen-inch section. The masonry and floor are poor and I-beams should be placed. Quite a large number of "needle" beams from old iron structures that have been removed are to be utilized at many of the small openings. This work should not be delayed. Between mileposts 290 and 288 are four openings needing I-beams and masonry relaid in good hydraulic cement. Tie guards were noted missing in a number of places. Quite a few small openings have recently been renewed in floors and stringers and some have been closed up entirely. This good work is constantly going on, the only criticism being that an effort should be made to hasten it, particularly upon the main line. The masonry is very poor and its neglect is noticeable all along the line. So few masons are employed that little can be accomplished. Over the river, near Potsdam station, are seven spans of fifty-foot deck plate girders, erected in 1892, in place of old structures. Near milepost 275 is a pony Howe truss bridge, erected in 1890. While safe now, a deck plate girder bridge should be erected. Near milepost 273, over a creek, are two openings with two eight by sixteen-inch yellow pine stringers under each rail in good life, but poor floor ties; also poor masonry. Close to milepost 271 is a forty-five-foot deck plate girder, erected in 1890, on old but fair masonry; has good floor but needs paint. Near Canton station is a structure over the Grass river consisting of four spans of fifty-foot each deck plate girders erected in 1891; all apparently in good condition. Forty-seven carpenters upon 698 miles of road to accomplish every repair and renewal in wood, including roadbed structures, semaphores, stations, signs, etc., would not seem enough to properly attend to the work. There are seventy-two small openings ranging from three to fourteen feet in these fifty-three and one-tenth miles. Upon main line an extra effort should be made to make the masonry and girders permanent upon this part of the line. There are a large number of new siding extensions upon the entire system since 1891.

Gouverneur to Edwards.

This line is single track, standard gauge, laid with seventy-pound steel rail and thirteen and one-half miles long. Opened for business August, 1893. Talc is found in large quantities near Taloville and new

mills of considerable capacity were noted. Split point switches were noted upon entire line and Mansfield stands. The sleeper life is strong at present. Hemlock was noted laid between Gouverneur and Edwards. The construction of the road was somewhat hurriedly made, and as yet it has not been placed in anything like proper condition. The fences are fairly well up and the posts of good section and distance apart. The roadbed should be filled out on top and intervals were noted needing ballast material. The road is fairly ballasted as a rule. The track adjustment was found very well attended to in the main. Joint fastenings are angle bars and "full" bolted. The rail is well spiked to the sleepers and braces were noted in ample numbers upon curves. The warning signs at highway grade crossings were noted up in strong life, well painted and generally in conspicuous positions. Places were found, however, needing signs. Cattle guards were noted missing in many instances. Two passenger trains and one freight train handle the business at present. Ninety feet per mile is the steepest grade. The switch guard rail was found with braces. Ten degree curve was the sharpest noted. The alignment, considering the country passed through, is fair, though not a few betterments will no doubt be made in the line and grades before long. The right of way is not as orderly as it should be, though work in this item is soon to be accomplished. The usual marks along the line will be soon forthcoming. There are sixteen minor openings in the roadbed. White beech is used as stringers in not a few instances and also as floors. The recent construction is a guaranty of good life, but they, or at least a majority of them, should not be renewed. A number of arches should be constructed and pipes utilized or solid rail floors placed. The masonry is not as good as it should be. Much of it will have to be reconstructed in the near future. It is too small and not stable. Over a highway was noted a thirty-three-foot through plate girder in fair condition. Near Hailsboro are now two spans of deck plate girders forty feet each. The west abutment has moved some; was placed upon piles and should have been placed upon the rock, which is but a few feet deeper. The second span was erected to relieve the pressure, and since no movement has been noted. What is the pier now should be carefully watched and relaid from solid rock if movement continues. Near Dodgeville and over the south branch of the Oswegatchie river is a 132-foot through riveted truss bridge; needs paint and back walls attended to. Over the west branch of the above-named river is a 114-foot through riveted bridge. It is of marble masonry and in fair condition. The iron work needs paint. Near Edwards is a 112-foot through riveted truss bridge in good form. Each of these were new in 1893. The stations along the line were noted neat and clean. They are all frame, small and of good design. Paint is needed upon the Hailsboro building.

Gouverneur to Watertown—Main Line.

This part, thirty-four and nine-tenths miles long, is laid with sixty and seventy-pound steel rail, sixteen and one-half miles near Watertown being laid with the seventy. One-half of the cross ties are cedar, and oak and yellow pine make up the other half. The stub switches will soon be replaced with "split points." Fifteen sets of

split point switches are ordered monthly. Considerable new side track has been laid since 1891. Nine masons are at present employed upon the whole system of nearly 700 miles. This force should, it would seem, be multiplied by nine to make much showing in placing the substructures in proper and safe condition. The warning signs were, where up, in poor condition as to paint. The cattle slats or guards need attention at once. The fences, where up, are in good condition and form, but too much was noted in poor repair. This item is considerably neglected. Loose spike were frequently noted, and not a few were found missing.

Not enough care is given to properly spiking, or attention to bolts. Many ties were noted decayed beyond the limit. An effort should be made to renew amply before winter sets in. Large renewals have been made, but many at joints were noted poor. Spare rail were noted at frequent intervals upon brackets in readiness to be utilized in the event of necessity. A number, however, were noted missing. Near milepost 215 is a rock cut needing attention. The switch guard rails generally were found good and fairly braced and spiked. The whistle clearance, section and mile marks were as a rule in a fair position and condition. The ballast is good and fairly deep in places, but too much of this line is in want of proper material and ample quantity. The roadbed should be widened out more in fills. The drainage of this line, while upon some sections not intelligently accomplished, is in fair condition. The right of way should receive more attention. Track debris, stumps and the like should be removed. The spans of iron bridging over streets in the village of Gouverneur were found in good condition. It was pleasing to note the number of small openings closed up since 1891 by inserting cast-iron pipe or covering with T-rails; still much more of this class of work is to be accomplished. Some places were noticed where stone semicircular arches could easily be constructed. A number of openings have pipe in now and are waiting for filling and end walls to be laid. Near milepost 240 is a thirty-eight-foot deck plate girder over creek erected in 1890 on old masonry which needs pointing and repairs. The girders are too close to back walls and need paint. A number of small openings need new floors. Near milepost 231 is a wooden Howe truss, though erected in 1888, looks in fair life now. The overhanging masonry upon this line should be attended to at once. Near milepost 229 is a fifty-three foot pony Howe truss bridge erected in 1890, over water, and appears in fair condition. Many small openings were noted poor except stringers. The wooden through Howe truss bridge, near milepost 221, was erected in 1890; is over water and in fair condition. Iron and steel should replace these wooden bridges when renewal is necessary. Near Watertown the masonry appears in better condition. The through pin connected bridge near Watertown over the branch of the Black river appears too light. It was erected in 1883. No delay should be allowed in replacing with stronger structure. Near milepost 226 was noted an eight-foot opening which needs immediate renewal; it has been damaged by fire. Fifteen of the small openings have pipe inserted; thirty-eight remain in a makeshift condition. The passenger stations were found in neat condition. Considerable painting has been accomplished. Evans' Mills station needs repairs to windows and roof. Sanford's Corners station has been newly painted.

Watertown to Cape Vincent.—Cape Vincent Branch.

This line is a single track, standard gauge, twenty-four and one-tenth miles long, and laid with sixty-pound steel rails. Stub switches abound. Ballast was noted needed upon this road badly. The sleepers were found good and about the same proportion of cedar, oak and pine as upon other lines. Now and then along the line poor ties were noted, but not many. Many of the highway warning signs were found poor and letters obliterated. The switch targets were found in better condition of paint than usual. The drainage upon this line is not given the attention that is needed, in view of scant ballast. The grass, weeds, and brush have been fairly cut and removed, though attention is scant in this item in places. The rail joints have "two tie" bearings, wide angle bars, with four bolts, abound. Too many plates or bars were noted not sufficiently spiked. The switch guard rail are of the old kind and not braced or bolted. Spiking is not strong enough. Cattle guards were noted somewhat neglected, but the officials say the near future will see a great improvement. Filling out upon shoulders where ballast has been placed should not be neglected. The fences were generally up well; considerable new fence was noted. Shimming was noted along the line. This should not be allowed except through the winter or when the frost precludes surfacing in the usual manner. The masonry should be attended to. This branch has not a great amount of traffic, but the permanent way should be safe and properly maintained. The stringers, not over four years old, are yellow pine and do not look weak or decayed. Near milepost 231 is a fifty-three-foot deck plate girder, erected in 1890; has good floor and guards; is over water; fair masonry, and needs paint. Much of the masonry consists of large stone, but needs relaying. A forty-five and one-half foot through plate girder was noted, placed in 1893, and of good design. Near Three Mile bay is an under highway bridge, with masonry which needs attention as soon as possible. Over Chaumont bay is 100 feet of temporary work, and three 100-foot spans of deck lattice trusses erected in 1893. The War Department are considering the question of water passage at this point. Near Chaumont station is a twenty-three-foot deck plate girder, erected last year, over water; was a trussed wooden stringer. Considerable of the masonry is to be rebuilt soon. Extra masons will have to be employed if this is accomplished in anything like seasonable time. Near milepost 218 is a fifty seven-foot deck plate girder, erected in 1890, in good shape, though on old masonry. Near milepost 214 is a forty-five-foot through Howe truss, erected in 1887. It is decayed upon upper chord at end. Might stand for some time, but for absolute safety should be replaced with iron or steel girder without delay. Cast-iron pipe could be utilized largely in closing up many of the small openings. Over the Black river are three spans of eighty-seven feet each deck plate girders. One pier is being renewed; has good floor system and tie guards. There are thirty-eight small openings from three to eighteen feet, and six iron or steel bridges besides the wooden Howe trusses. There are six passenger stations, and all are neat and clean. Paint is needed.

Sacketts Harbor to Watertown.

This line is eleven and four-tenths miles long, single track, standard gauge and laid with fifty-six-pound steel rail. Cedar abounds almost entirely as sleepers. Three passenger and one freight train in use on line. Two and one-half miles of additional track were noted in the Watertown yard from the junction, laid since 1891. Quite a large Young Men's Christian Association building has been erected in the Watertown yard. It has been fitted up nicely. Stub switches abound, but the officials assured your inspector that these would be replaced with "points." This line should be given more attention, and no time should be lost in repairing, renewing and overhauling the structures in the roadbed. Shimming still in was noted and no excuse offered. Ballast is needed and should be forthcoming. The fences were noted not being well maintained. However, where up, they looked strong. Very poor warning signs were noted and many cattle guards missing. The floors of structures were noted lacking tie guards. No mileposts, section or whistle posts were noted. The right of way should be properly cleaned up. The rail is not a little worn, and the joints are fastened by "strap plates" and "angle bars." Many spike and bolts were noted missing or loose. The ditches were fairly opened, though not enough care is given to grading and depth. Grass, weeds and brush were fairly cleaned away. The sleeper life was noted generally good, and ties are closely spaced. New rail is expected for this line next year. There are many of the small openings that should be either piped, solid-railed, stone box culverts built, or arches turned. The masonry is quite poor, shaky, open, leaning, and in need of relaying. Poor ties were noticed upon a few of the structures. Hemlock and yellow pine stringers abound. Hemlock is a dangerous wood to trust as stringers, and should not be allowed upon this line. The Phoenix column bridge eighty-eight-foot span is twenty years old, and while it may last for some time, a new iron structure is suggested, for absolute safety, without delay. There are eighteen small openings, and nearly all of them need some attention. The passenger stations, two in number, were noted in a fair state of maintenance, neat and clean.

Watertown to Carthage.

This line is single track, seventeen and six-tenths miles long, standard gauge, and laid with fifty-six-pound steel rail. The sleepers are mostly cedar, and fairly spaced, and of good section. Stub switches abound, though "split points" were noted, to some extent, and more are soon to be placed. Neglect is apparent, upon this line, in a number of important items. Many bolts were noted missing at rail joints, and the spiking loose and scant. The fences should receive more attention. Considering the lack of ballast, missing bolts, loose and missing spikes, neglect in properly deepening and grading ditches, age and condition of rail, the track adjustment is fair. Warning signs at highways were noted needing paint and renewal. Cattle guards are needed in many places. New rail is expected next year. The roadbed needs widening in many places, and ballast is also lacking. Attention is called to the properly grading and opening of the drainage ditches. Sandy loam

prevails largely, and the water absorbs quickly, but good ditches, even in loamy material, are important. The grass, weeds and brush should receive more attention. Appearances indicate too few trackmen. Near Watertown, in yard, is a small opening at a switch; this should certainly be covered with rail, or piped, if possible. The stringers and floors generally were noted fair at small openings. The masonry at many of the openings should be relaid in good hydraulic cement. Some of it is absolutely unsafe. This item has evidently been neglected too long. Many small openings occur, and could, at small expense, be piped or covered with T-rail. A few new floors were noted. Square joints also occur, and this construction is to be changed, of course, when new rails are laid. Some of the floor ties are not spaced properly. Some of the cattle guard pits need new floors and tie guards if allowed to remain. The three spans of through plate girders, 100 feet each, erected last year over the Black river, look very nice, strong, and are upheld by good masonry. Twenty-eight small openings were noted. Their constant renewal costs not a little. The passenger stations, three in number, were found neat and clean. Felt's Mills station has been overhauled since the last inspection in 1891, and is now in good condition.

Carthage to Benson Mines.

This line, formerly known as the Carthage and Adirondack railroad, is forty-three miles long, single track, standard gauge, and laid with sixty-pound steel rail. The New York Central, as lessee, began operating it in the spring of 1893. The sleepers consist largely of hemlock and tamarack. Stringers are nearly all hemlock. This wood is easily and cheaply obtained in this section, and if great care is taken to renew often, answers fairly. One hundred and twenty-five feet per mile is the steepest grade. The joints are staggered and supported with angle bars having four bolts. Many bolts were noted loose or missing, and the spiking generally was found good, though stretches were noted not properly spiked. The fences, where up, were found strong and well maintained. Grass and weeds were noted upon track, and the right of way not as clean as it ought to be. Next year it will be attended to. Whistle, clearance, section and mile marks were not in extra condition where up. Out of Carthage, for quite a distance, the ballast material was noted very good, though through the woods upon the last half good ballast was found quite scarce. Nearly all the signs need paint. Generally they are in good location and firm. It is said 30,000 ties are to go in this year; however, decayed ties were often noted. Considerable bracing upon curves was noticed. The line is particularly curving upon the Benson Mines end and many of the curves quite sharp. Considerable improvement could easily be made in the alignment. There is great danger from fire through the woods, and water in barrels should be kept at frequent intervals upon all trestles. The item of drainage is not given much attention. Cuts were noted where good drainage would answer for considerable ballast. The subsoil is largely an absorbent, but the cuts spoken of above should be drained. Some shimming was noted in. The item of crossing plank should be given more attention. Plank in this locality do not cost much. The

banks should be widened in many places. Near milepost 32 the ties are particularly poor; the last half, in fact, should be largely retied. The mines at end were shut up last year because, as the officials informed your inspector, competition was found too sharp. There are a great number of small openings that could with little expense be made permanent. There are fifty-three small single openings. Bridge No. 5 is a trestle of nine bays, twelve-foot centers, over a highway partly; will be partly filled this fall, and next year will construct masonry and erect iron girder and finish the filling. A number of small openings were noted too old in timber; should be renewed without delay. The Clearwater trestle, 1,000 feet long, was filled about three years ago. The forty-nine-foot span of Phoenix column trusses look light; was erected in 1884; should be new iron or steel plate girder for absolute safety. The Blanchard's trestle, 300 feet long, and high, was partly filled last year. An arch culvert semicircular in form is being constructed upon day of inspection and will fill as soon as finished. The trestle, while perhaps safe enough to last until the filling is completed, is old and patched up. No delay should be allowed in making safety sure at this point. Considerable of the masonry is composed of field stone and bowlders; some of it is still in good condition. The deck truss, with Phoenix column construction and twenty-foot I-beam at approaches over a branch of the Oswegatchie river, appears quite light. The span is 131 feet. New work should replace this soon. Near milepost and Jayville are four bays of hemlock trestle and masonry abutments, which should be renewed. Near milepost 32 are four bays, twelve-foot centers, which should also be renewed or, better still, filled and arch culvert placed. At milepost 32 is a trestle, 1,000 feet, filled since 1891. Near milepost 34 are 1,200 feet of trestle filled last year on curve. The Little river trestle has been partly filled; was 1,400 feet long, with an old Phoenix column bridge. New and stable abutments are now being erected of good stone for deck plate girders. The abutments are of the old T-form and tied with rail. This construction is not wise, and in this location there is some question whether enough saving in material is made to warrant the form. The company, since operations began, have made great improvements and more will follow. The passenger stations, some eleven in number, are small and fairly maintained, neat and clean.

Watertown to Richland Junction.

This line is thirty-one and two-tenths miles, single track, except about one and six-tenths miles in the Watertown yard, standard gauge, and is a part of the original Rome and Watertown railroad. The rail upon this line is steel and seventy pounds per lineal yard. There are two kinds of seventy-pound steel rail, the older being thicker in the base and head. It was laid about three years ago. There is about one-half of each and the new was laid last year. Forty-five hundred feet of new siding was noted near Richland. The ballast was noted, generally speaking, not sufficient. Some stretches were noticed in fair depth, but next year an effort should be made to place a considerable amount. The sleepers were noted carefully and too many were found poor in life and condition. They are closely spaced and of fair section, but

renewals are needed badly in places. The joints are fastened with angle bars and the bolts and spiking were found generally in good condition. An effort is made to have sound ties at joints, but several places were noted needing renewal. Many of the highway grade crossing signs need paint and renewal, and a few could be put in better position. The cattle guards where flats are well maintained and the cross fences well up, though instances were noticed needing repairs and renewal. The banks along the line need considerable widening. The fences were found generally in very good condition, though not enough care is manifest in this item. The switch guard rails were noted fairly braced, though too many places were noted where more care should be given to spiking and bracing before winter. The switch targets should receive more attention. If the usual number of coats will not keep them in bright condition, they should be attended to oftener. The passenger stations generally were found well maintained and orderly outside and neat and clean inside. A noticeable feature upon this whole system is, that every agent wears a neat uniform. A number of the stations have been painted recently. The overhead bridges upon this whole system are given great care and attention. The grass, weeds and brush appeared in neat condition. Attention has been given to this item and the right of way is kept in very fair condition. Attention is called to the necessity of giving more care to spiking. The track force should be increased, if necessary, not only upon this line but upon all. It is certainly a mistake, in reducing expenses, to neglect the roadbed. More attention is suggested in having and keeping the joint ties constantly in proper bearing. Neglect in proper spacing should not be allowed. Rails for renewal and in case of accident were noted up and well cared for. The item of drainage should receive more attention. Of course this very important item can not be properly attended to without sufficient trackmen, particularly when they are expected to attend to many things not properly within their province. Several instances were noted where, with good drainage, the track would be greatly benefited. The alignment is very fair and the maximum grade does not exceed seven-tenths of one per cent. The curvature is, as a rule, easy and the adjustment of track upon them very good. All of the stringers upon the small openings are yellow pine and from three to seven years old. Near milepost 208 was noted a small opening with floor ties not a little burned. Stringers were fair and masonry good. Tie guards were noted missing in too many instances. Near milepost 206 was noted poor masonry that should be relaid. A large force of masons should be placed upon this system at once. Too much of it is not safe. An opening was noted covered with rail floor since 1891 near milepost 206. Near Rice's station are two eight-foot openings too old and should be renewed. Near this point is also a deck plate girder twenty-one feet long, placed in 1893; was a trussed stringer. Near milepost 204 was found an under farm pass about fourteen feet. Two eight by sixteen inch stringers under each rail, and masonry was also found good. A cattle pass near milepost 208 was noted with poor ties and stringers. A number of openings are to be filled and pipes inserted upon this line. Near Adams station are five spans of 283 feet, total length, deck plate girders over Sandy creek. Four of them are sixty-three feet and one of thirty, erected in 1888. A cracked

bridge seat was noted upon bridge near milepost 194, else in good form. The structures generally were found safe, but more work should be done upon them to insure proper stability. Near milepost 182 was noted a deck plate girder twenty-three feet long, erected in 1893, and masonry rebuilt. The masonry could be relaid in cement, and solid iron rail floors placed over many of the cattle passes and small openings, and permanent work made for comparative little expense. This kind of construction is accomplished up to thirteen-foot spans on not a few roads of the State. The switches upon this line are of the point pattern, and the Mansfield stands abound.

Syracuse to Richland.

This line was originally called the Syracuse and Northern, or the larger part of it. It is single track, standard gauge, forty-one and nine tenths miles long, and laid with sixty-pound steel rail. The ballast is slack in many places and needs immediate attention. The sleepers consist of about one-half cedar and the rest yellow pine and oak. Some ten miles of ballast were placed in 1893 and about three and one-half miles this year; one carload in a place, or about five inches deep. Loam mixed with gravel is not good material, but answers where nothing better can be had. The sleeper life is good and the ties were noted close together and of fair size, but many were found in poor life and badly worn in stretches. There are six miles of square joints. The joint fastenings were noted in fair condition, though bolts were found missing to some extent. More care is suggested in attending to joints, spiking as well. The warning signs were in a neglected condition as a rule, and the cattle guards and cross fences much the same. There would seem no excuse for neglect in these items. The banks should receive attention. Material should be placed to widen them properly. The fences, where up, are in good form and strong, but some should be renewed. The switch guard rails were found well braced, though attention is called to the necessity of placing them in safe condition for winter. Targets need paint, as noted upon other lines. The passenger stations generally receive considerable attention, and as a rule were found in fair condition. There should be a new building at Liverpool. The overhead bridges were noted in a general good state of maintenance, though attention is called to bents resting upon blocking, not alone upon this line. Grass, weeds and brush have received attention, but not as frequent as would seem necessary. The right of way is in a fair orderly condition. Rails were noted up frequently along the line for renewal in case of accident. Considerable new siding was noted along the line laid since last inspection. The sub and surface drainage has been given attention, though not enough. The alignment is easy and the grades not excessive. The track adjustment, considering the few men employed, lack of ballast, etc., is very fair. The crossing plank as a rule were found strong in life, but not a few instances were noted needing renewals. Stub switches abound to some extent though your inspector was informed "split points" were to be placed soon. The center swing over the Erie canal in Syracuse has been greatly improved and made stronger. The six bays of trestle at edge of lake, eleven-foot centers are too old and not safe, with proper limit, and

should be renewed. Over the Oswego canal has been placed, in 1893, a through riveted bridge, and was found in good order. Near milepost 205 are sixty feet of low trestle, over water twelve feet center to center of caps, which are on piles. This should be masonry and girders. Near milepost 201 is a deck plate girder bridge, erected in 1891, upon good masonry. The small openings, of which there are quite a few, seem in a good strong state of life, though "renewals," "pointing up" and "relaying" are needed in not a few instances. Over the Oneida river are three spans of quite heavy bridging, made up by one of 121 feet 6 inches; then a draw span of 144 feet and the final span of 125 feet, erected in 1893, and all in apparent good condition. Between mileposts 194 and 195 are four bays of trestle (bents upon piles), twelve foot centers, and all not properly safe. Stone is on the ground in anticipation of narrowing somewhat and erecting iron girders. This work should not be delayed. Near milepost 193 is a ten-foot high opening; has good floor; masonry is poor and braced. This should be rebuilt. The stringers appeared in fair life. The next two openings near milepost 191 should be rebuilt with good masonry and I-beams. Near Hastings are two small openings, needing attention without delay. Near milepost 189 is a through Howe truss, erected in 1890, and should have ends cleaned; is fifty four-foot span and in fair life as yet. Near milepost 185 is a through riveted truss, erected in 1893, over pond; is of good design and in good condition. Between mileposts 184 and 183 are four small openings, all in very good condition. Attention has been given them this season. Near Holmesville is a deck plate girder bridge, erected in 1891; supported by old masonry pointed up. It is over a creek and looks good. Near milepost 177 is a seven-foot opening with old stringers and ties resting upon small masonry. All should be renewed. The three spans of 106 feet each, deck pin connected bridges over the Salmon river, with twenty-foot deck plate girders at ends, were erected in 1887; all are now in apparently good form and condition except that it is level, while the grade upon either side is considerable. There can be no excuse for not placing such structures upon the grade of the roadbed. The jar, shock and vibration caused by a train passing over it is great, and much harm is liable to and does occur frequently, particularly upon the masonry and bridge proper. All of the structures upon this system should be adjusted to the general grade upon either side.

Richland Junction to Rome.

This line is forty-one and one-tenth miles long, and is a part of what was known as the Watertown and Rome railroad. It is single track, standard gauge, and laid with sixty pounds per lineal yard steel rail. Some ballast has been placed since the last inspection, but not enough. It needs material under the ties badly. Considerable has been "graded up" along the line, particularly through the Rome swamps. The banks need widening in many places. The cross ties are generally in strong life, though many that are poor, decayed and worn were noted in places. The renewals should be copious before winter. The proportion is about one-half cedar and one-half oak and pine, fairly close; in fact, in many places, quite close and of good section generally.

The rail joints, while as a rule, were noted well cared for, still too many were noted not properly bolted and spiked. The warning signs were noted, as upon other lines, too much neglected. The cattle guards were also found not well attended to. The fences were noted down not a little, though when up were found in strong life generally. The switch guard rail should not be neglected in keeping them spiked and braced safely. The targets upon switch stands need more frequent painting. The passenger stations, some eight in number, were found in good repair. More sittings are needed at West Camden. Taberg station is new, the old one having burned down. The overhead bridges upon highways were found generally in very good condition. Grass, weeds and brush have had some attention, though more would seem to be needed. The right of way is neat and orderly with some exception. Many spikes were noted loose and missing along the line. The tie bearings were noted fairly well attended to, but the meager track force evidently can not keep a good standard. Rails for renewals were frequently noted. New sidings have been laid to some extent. The drainage of this roadbed could be bettered in many places. The saving upon ties, rail, rolling stock and the like would be great if the roadbed were properly drained and constantly maintained. The curvature is not excessive, and the grades seemed within the limit for amount of traffic. The crossing plank at highways and farm roads were well cared for, though instances were noted needing immediate renewal. "Stub" switches were noted, though they are fast being replaced with those of the "point" pattern. An extra effort should be made to remove all the old "stub" switches. The rail joints were noted staggered. Near milepost 182 was noted a fifty-one-foot deck plate girder erected in 1890 upon new masonry; is now in good order. At milepost 183 is a deck riveted truss bridge of two spans, sixty-two and one-half feet each, over Salmon river. The guards are needed. The masonry appears in good order and was laid in 1888. The minor openings all have yellow pine stringers, the oldest of which are seven years. Renewals should be made without delay upon those needing it, of which there are a few. The ends of all stringers should be kept free from dirt and cinders. The masonry was found fair, but considerable work is necessary in this item, pointing up and relaying mostly. Near Williamstown station is a bridge over the still water. It is quite high and is supported by old stone work; is seventy-two-foot span. The abutments are not in good condition. The back walls are open, and the general character of the work is not suited for present conditions. New abutments of large, sound stone should be erected inside the old. This work should not be delayed. A number of openings near milepost 195 should be overhauled. I-beams should take the place of many of the wooden stringer structures. Your inspector was informed that a large number of iron beams from old structures recently removed are to be utilized in this way. The pony through wooden Howe truss bridge near milepost 196, fifty-five-foot span, erected in 1890, looks in good life yet; is quite low and rests upon poor, small and open masonry. There are too many small openings. Cast-iron pipe or solid rail floors could and should be utilized in many places. The paint gang was noted at work, but seemed too small for the number of structures

upon the system. Near milepost 200 is a through plate girder bridge needing paint. This bridge was erected in 1891 and painted with what is called "anchor brand" paint. Upon day of inspection this material indicated its worthlessness as a bridge paint. Near Camden is a through wooden Howe truss, fifty-five-foot span. It was bent or placed upon false work last year under second panel upon each side. A one-half through plate girder is contracted for, and your inspector was assured it would be placed before winter. A number of cast-iron pipes were noted placed and small openings filled. This is good permanent work and pure economy, the only objection being that not enough care is taken in some instances to calculate the maximum amount of water to be carried. Large leeway should always be allowed in placing pipe. The two eighty-foot spans of deck riveted trusses over Fish creek erected in 1889 appear in fair condition. The masonry is very old, but considering its age and smallness of stone has stood well. Near milepost 211 are seven spans of fifty three feet each over Fish creek; are of light iron. Masonry is in course of construction for new deck plate girders. The bridge over Tannery creek, seventy-two-foot span, erected in 1880, has very poor masonry, small and open. One cracked bridge seat was noted, the back walls lean, and for positive safety the abutment should be rebuilt. Over the Erie canal was erected in 1893 a through riveted truss bridge of 128-foot span; was a light pin connected bridge. Many leaning walls were noted upon this line, and an effort should be made, without delay, to place this stone work in safe condition.

Pulaski to Suspension Bridge.

This line is about 175 $\frac{1}{4}$ miles long, standard gauge, largely single track and laid with sixty and seventy-pound steel rail. From Pulaski to Oswego was known as the Oswego and Rome railroad, and from the latter place to Suspension Bridge, or, more correctly, to old Lewiston, was originally known as the Lake Ontario Shore railroad. This company was reorganized as the Lake Ontario railroad. Ballast is needed upon this line, as upon the others, though considerable has been placed since 1891. An effort is to be made to place, during the coming year, large quantities of good ballast material. There are quite long stretches very well ballasted now. Work of this nature is constantly going on, but not extensive enough to put the track up as well as could be desired, yet, considering the comparatively light traffic, much has been accomplished. The sleeper life was noted very good upon this line; quite large section and closely spaced. Chestnut, cedar, oak and yellow pine were noted. The warning signs at highway grade crossings were found in much the same condition as upon the other lines. The cattle guards, where of the pit style, were noted strongly maintained, but are to be largely filled up the coming year. Cast-iron pipes are to be used where they have answered a dual purpose of protecting stock and carrying water. The banks need widening in many places along the lake. Places were noted greatly improved by riprapping and filling out slopes, yet in a number of instances they should receive attention. The fences have been neglected owing to the meager track force. Yet, where up, the fencing is strong and well

made. Large quantities of wire have been strung recently, and much of this work is to be accomplished next winter and spring. Considerable care was given to the item of guard rails at switches. Attention is called, however, to the necessity, upon this line, of placing an ample number of braces if nothing better is allowed to be obtained, and that great care be given to ample spiking. The switch targets need more attention in the items of frequent painting and repairs and renewals. The passenger stations were found, from a haphazard inspection, to be in a very good state of maintenance. Semaphores were found recently erected at many of them. At Wallington station is to be constructed a transfer platform, and better arrangements made. Considerable betterment is to be accomplished at Windsor Beach by removing the track on the loop, and rearranging so as to better satisfy the present demands at this point. Morton station needs repairs upon roof and walk. This is true of not a few. And in addition to other ordinary repairs, the near future will see not a little work done upon stations. The overhead bridges were noted in good form and well repaired and renewed. Grass and weeds have received good attention, and the property, from fence to fence, appeared good, neat and orderly. The bolts and spikes were found well maintained, though instances upon track sections showing neglect were noted. The tie bearings were found good and great care was noted, particularly upon curves. Carelessness was apparent upon the western end to some extent. Rails for renewal were noted up frequently. Considerable new side track was noted. The question of drainage should be given extra attention upon this line, as many instances were noted where small expense in this work would give great results. The crossing plank at highways and farm roads and drives were found, as a rule, very well cared for. "Split point" switches were noted in abundance, though there are some stubs. These are gradually being replaced and the coming year will see, so it was said, very few, if any, left. The change to heavier rail constantly going on has kept the "stubs" in longer than was anticipated at last inspection. Small openings upon this line are many and the cost of maintaining them great. With cast iron as cheap as it is at present large quantities should be purchased and many of these troublesome openings filled in. Many improvements in this direction have been made in the last few years, and it was pleasing to note the commendable desire of the officials to do away with as many as possible. At milepost 173 is a trestle 304 feet long, sixteen-foot centers; stringers, twelve by sixteen inches, were overhauled last year. Should not be renewed again. An arch could be easily constructed and trestle filled in. Next west is a deck plate girder, thirty-two feet long, erected in 1893. Next west are two spans, 100 feet, erected in 1846; bents (iron) upon piers. Is now on level and is to be placed upon grade this year. Next is a deck Howe truss, erected in 1885. Is upon false work, over creek, and to be replaced with a deck plate girder this fall. Masonry to be all new. The yellow pine stringers upon the small openings are in age ranging from one to seven years. Near milepost 168 is a through Howe truss, built in 1885, and to be replaced by a deck plate girder and new masonry at once. It is bented up at present. Much of the masonry needs attention, and something should be done to place it in a positively safe condition. The six spans, 699 feet total length,

erected in 1876, over canal and river in Oswego, appears well, except lack of good paint and floors. One span is a through and the rest deck pin connected. Cleaning should not be neglected upon channels and plates. The short spans of iron girders over streets in Oswego were noted in good life and form. The trestle, 576 feet long, was overhauled last year. Near milepost 147 is a deck Howe truss over street or highway which needs attention. Has hemlock bents and yellow pine stringers. It should be filled in and a sixty-foot deck plate girder placed. It is said this will be done soon. This work should not be delayed. Near milepost 139 is a deck lattice truss, erected in 1892, over creek; bents at end and yellow pine stringers. Should be deck plate girder. The wing wall needs relaying; has good floor. Near milepost 131 are two spans of forty feet and one of seventy-eight feet on curve, erected in 1893. New masonry. The middle span is on iron towers. This structure should have been constructed to conform to the curve; was built straight. While not dangerous in consequence, was a bad mistake and should be placed properly upon curve without delay. Near Wallington is a trestle 560 feet long, partly filled. Was all overhauled last year. Is to have arch culvert constructed and to be filled. This work should not be delayed. The openings are too numerous to mention in detail. Near milepost 85 is a through plate girder, erected in 1892 at Sea Breeze, and all in good form. The seven bays of trestle over the boulevard near Windsor Beach station are to be masonry and through plate girders. Is safe now. Should have been done this year. The draw span over the Genesee river appears in good form. The lower chords need attention. Holes sufficient to let water off should be drilled. A deck plate girder near milepost 77 was noted new last year; is upon old masonry but in good form. A number of new plate girders were noted between Charlotte and Suspension Bridge, all of excellent design and ample in metal. The Oak Orchard creek viaduct has been renewed with nineteen spans of deck plate girders. The masonry is all on bed rock and the entire structure is now in extra condition and heavy, in place of thirty spans of A trusses with king posts. Near milepost 25 is a new structure in place of old A trusses. The new work is deck plate girders and iron lattice work bents over Eighteen-mile creek. A large number of small openings near Lewiston should be piped.

Rochester Branch.

This line extends from Windsor Beach to Rochester; is single track, standard gauge, seven and six-tenths miles long and laid with sixty-pound steel rails. The construction continued through 1886, 1887 and 1888. Ballast is considerably needed. Next year this branch should receive "a carload in a place." The sleepers were found in very good life, as a rule. Cedar was noted to nearly fifty per cent. The balance is made up of oak and yellow pine. The highway grade crossing signs should receive attention in the matter of paint. The banks need widening considerable in places. The fencing was found up in strong condition, though in some places it was neglected. The guard rail at switches was found well braced. The switch targets were found in fair condition and paint fairly bright. The passenger station at

Rochester is as previously reported, neatly kept and in good repair. Grass, weeds and brush have received proper attention. The old stumps along the right of way should be removed and track debris cleared away. The spiking and bolts were found full and strong, though a few places were noted needing more attention. The tie bearings at joints were found well spaced. Ramapo switch stands abound. Rails for renewal in case of accident were noted up frequently. The sub-drainage has received considerable attention, and it should, for until the ballast is forthcoming good drainage is particularly important. The alignment is generally good, and the fourteen-degree curve near Rattlesnake point is to be reduced. The track adjustment, considering lack of ballast material, is very good. The crossing plank at highways were noted in strong life and well laid. The switches are now all of the split point pattern. Two three-throw stub switches have been removed since 1890. The joints are staggered and angle bars of good section. The old-est stringers from appearance can not be considered unsafe at present, though some should be renewed next year. The trestle over the Electric Car boulevard consists of eleven bays, about twelve-foot centers, and the yellow pine stringers are eight by sixteen inches and three under each rail. Corbels were noted, but sills were covered. Next year this structure is to be replaced with iron and masonry. Two bays on piles were noted that should be narrowed and covered with solid rail floor. The piles do not look extra good. Delay should not be allowed in making this needed improvement. The trestle, 126 feet long, at Rattlesnake point, should not be renewed, an arch could be erected at this point and permanency insured. The four small openings could be piped or arched. The bridging over the Genesee river, 705 feet long, and consisting of eleven spans, should be painted and more attention given to cleaning away upon all bearing points. The long trestle next, which has formed an approach, is now half filled; was renewed two years ago. Needs new deck now and should be filled without delay unless a new floor is placed, in which event filling perhaps would not be all important for a year or so.

Fulton to Syracuse or Woodard Junction.

This line is seventeen and eleven-hundredths miles long. Is single track, standard gauge, and laid with fifty-six-pound steel rail, except some seven miles of old style seventy pound steel rail. Next year will perhaps see the whole line laid with this heavier steel. Nine miles have been ballasted with cinders about six inches deep. The balance needs ballast very much. The cross ties consist of one-half cedar and the other half white oak and pine. The rail joints were noted well bolted and spiked as a rule. The intermediate spiking was found very good. The crossing warning signs need attention and should not be delayed. Very few cattle guards were noted. The banks need widening in a number of places. The fences were found neglected not a little, though where up they were in strong condition as a rule, though some were noted with but one brace. The switch guard rail were noted very well braced and spiked. Switch targets were found in good condition, though frequent painting is needed. Phoenix sta-

tion needs paint. Grass, weeds and brush have received attention and the right of way is, in general, neat and orderly condition. The ties at joints while generally well spaced, quite a number in places along the line were in need of attention. Spare rails in case of accident were noted frequently upon posts along the line. One thousand feet of siding extension was noted since the last inspection. The drainage could be bettered. Though some work was noted accomplished in this item, more would greatly benefit the track; for the number of trackmen allowed, and the variety of work expected of them, much has been done. The alignment is generally fair, though places were noted where great improvement could be made with comparative small expense. The crossing plank were noted well and strongly maintained, though decayed and wornout plank were noticed in a few places. A new telegraph line was noted upon right of way. The masonry was noted of large stone, though needing pointing up, not a little. All of the floors upon structures, with very few exceptions, were placed last year. The stringers, yellow pine, were noted in strong life and the oldest not over four years. Some twelve small openings were noted, and while all were in good condition upon day of inspection, some should be made permanent by covering with solid rail floor or inserting cast-iron pipe. Near milepost 175 is a through lattice truss bridge erected in 1892. It is 200 feet long and in very good condition and form. It spans Oneida river and is a great improvement over the two spans of wooden Howe trusses which formerly spanned the river. The trestle approach, some five bays in extent, while in good life of timber and general construction should be replaced with iron and masonry.

**SPECIAL INSPECTION OF THE SEA VIEW RAILROAD, UPON REQUEST
OF WILLIAM FINLEY, SUPERINTENDENT.**

Since the last report, this structure has been given two coats of paint and attended to in the matter of repairs. The painting was done by contract, and from its appearance at present the work was greatly alighted. One coat properly spread would have been much better. The platforms at the east end have been greatly damaged since last report by wave action, and it is now proposed to construct further inland and erect new buildings. The proposed connection of the Kings County Elevated with the Brooklyn and Brighton Beach railroad will materially affect this road as regards its ultimate betterment. The suggestions made in previous reports should be carried out, and the whole structure made positively safe. About one-half of the square double-post work has been renewed since 1881, the time of construction. Very little of the original pile work remains. The work of trussing the stringers at the new streets should not be delayed. At West First street one bent stands in the roadway, and while ordinarily safe, yet the full width of the pavement should be clear for street traffic. Danger from runaways, racing, etc., should be avoided. Longitudinal bracing would greatly strengthen and perhaps save life in the event of partial failure. Great care should be given to the pile and post supports at the ground line, this being the point where decay is the worst and the danger of failure the greatest. Mr. Finley assured your inspector that

excavations had been made around every post and pile down to the surface of the ground water, and all decayed portions removed. It is suggested that a very close inspection be made of each of the iron bridges and their supports, to make sure that all bearing parts, rivets, turnbuckles, and the details generally, are in proper condition; this should not be accomplished hastily, but several days should be consumed, if necessary. The superintendent is very careful, and the unsafe parts of the whole structure, when found, are quickly replaced or strengthened with good material. The fences and wooden outbuildings under and near the structure remain as previously reported. This inflammable material should be removed before the coming summer.

SEA VIEW RAILROAD.

(Regular Inspection.)

Nothing of moment has been accomplished since the special inspection of January last. Your inspector would suggest that no delay occur in placing this structure in perfectly safe condition, if the connection is made with the Kings County Elevated road, referred to in the report of the Brooklyn and Brighton Beach road. Connection will also be made with the Sea View road, and thus avoid transfer, which is very disagreeable to the pleasure seeker. In the event of this connection being accomplished steps should surely be taken to renew the entire structure with iron or steel. It is to be hoped the near future will see its accomplishment. The present structure, while being watched closely and repaired frequently and with good judgment, is still a makeshift, and with the most exacting care in watchfulness and maintenance is liable to failure at many points. Longitudinal bracing is very important in a trestle of this kind and should not be omitted.

SILVER LAKE RAILWAY.

This road, as previously reported, is single track and extends from Silver Springs station, on the New York, Lake Erie and Western railroad, to Perry, a distance of six and eighty-six-hundredths miles. In walking over this line little of moment was noted in the way of betterment since 1890. Its grades and alignment are very easy and its traffic is considerable. In the summer months large excursions and pleasure parties are carried to Silver Lake, where many camp out, spend the summer in cottages and have large religious meetings. In the winter the traffic is mostly to and from Perry, a thriving village at its northerly end. There is no ballast to speak of on the entire line. Cinders for short distances were noted, but of little use when the whole line is considered. Each report since 1888 has suggested that the road be ballasted, and promises have been given implying that it would be done at each inspection. Stub switches abound, and upon day of inspection one was noted locked. The switch signals should be painted at once and switches kept locked. The superintendent informed your inspector that some 450 ties are delivered and to be placed this season. Five or six thousand would place the road in much better condition. Instances were noted where as many as two sleepers were renewed contiguously upon day of inspection. The ties

are of various dimensions and unevenly spaced. Too many were noted decayed and not holding the spikes. Joints along the track were noted without sufficient bolts to properly hold the rail safely. Along the lake front the water has washed away the material between it and the track, in many places beyond the safe limit. Some attempt was made between the inspections of 1890 and 1892 to repair these places, but more stable work is needed. From the track to the water the vertical distance is seven to eight feet. Either the track should be moved inland or the lake front riprapped with stone or other suitable material to make it positively safe. Some new fencing recently erected was noted along the line. The warning signs need paint and in some instances renewal. One sign was found well painted and in good position. The openings in the roadbed, of which there a few, are not over three-foot span, and upon day of inspection were safe. Iron pipe should be utilized where possible. Earthen tile, five or six inches in diameter, were noted under the roadbed in not a few places, for carrying the ditch water to the lake. Many of them were noted choked up and not large enough to properly take the water for the distances intended. Systematic drainage and ample water area would greatly benefit the roadbed. Very little tamping and surfacing, if any, has been done. Five men and a foreman are supposed to keep this road in order, without ballast. There are four passenger trains each way daily and one freight, which at times also carries passengers. The trestle at the salt blocks in Perry is being filled, and while at one side of the main line and not used by the public, should at least be made safe until properly filled. The pine through truss bridge over a street in Perry, and used to pass coal over it to coal shed beyond, appears exceedingly light and not amply strong for positive safety. It should be replaced with a through plate girder. The passenger accommodations are very meager. Your inspector would suggest that the road be ballasted with gravel or some other good material; that all the poor ties be renewed; that the public be given better station and platform accommodations; that the lake front be made perfectly safe, as above described; that the warning signs and switch signals be painted; that if the stub switches be allowed to remain they be repaired, and broken and cracked castings be replaced with new; that they be kept locked when not in use; that, in short, if the road is to continue in operation, it be at once placed in proper condition for positive public safety and convenience. Admitting that the summer season is short, that there has been no accident of moment in years, that the speed of trains is slow, and that care is taken at soft and bad places along the line, still, when all is considered, the public is entitled to a large and positive factor of safety at all times. The superintendent informed your inspector that four miles of ballast are to be placed this year and that the road is to be bettered soon. Three miles of ballast were promised in 1892. The roadbed at present, with sufficient work and attention, could be greatly bettered until the ballast is placed.

SKANEATELES RAILROAD.

This road is single tracked, standard gauge, and extends from the village of Skaneateles (near the lake of that name, and from which lake the city of Syracuse is to be supplied with water) to a junction

with the Auburn branch of the New York Central and Hudson River railroad, a distance of five miles. This road crosses the outlet from the above-mentioned lake some ten times. The structures are all wooden, consisting of stringers upon framed bents. One trussed stringer bridge was noted with twenty-eight-foot span. There are no guard rails upon any of them or guard timbers, and the floor ties are too widely spaced for safety. A derailed truck at any of these points might easily cause great damage. There should certainly be placed guard rails and timbers, and the ties upon the deck should not be more than seven or eight inches apart. The stone abutments of too many of these structures need relaying or pointing, and some of the structures need renewal in stringers and bents. The trussed stringer span spoken of above has "turn buckles" midway on the lower "chords," which are two-inch round iron. The thread, if stripped from the turn-buckles, weakens the structure and places the strain upon the stringers; these, however, are quite deep, though not sufficiently so, it would seem, for the span. Most of the structures upon this road were renewed five years ago. Your inspector would suggest that a careful "boring" examination be made of all the timbers. The warning signs are up in good form and well painted. The switches are all of the stub pattern. The switch signals, if the present crude form is allowed to remain, should be repainted. The sleeper life is only fair; some ties were noted too much decayed. Nothing new of moment was noted, except a coal spur track about 175 feet long in the village of Skaneateles; new passenger coach, combination car, and new car-house about 100 feet long in the company's yard; also, about 300 feet of yard siding. The mills along the outlet being shut down, pending settlement of the Syracuse water question, has greatly reduced the earnings of this road - its principal business being freight. The accommodations along the line for passengers seem ample, and the road appears fairly well managed.

STATEN ISLAND RAPID TRANSIT RAILROAD.

The structures, roadbed and stations of this road were all carefully inspected and, as a rule, were found in excellent condition. Considerable repairs were being made upon the long trestle approaching the Arthurkill swing bridge. This trestle is some 5,700 feet long and near the bridge is quite high. Piles are being cut down and bents inserted. The alignment and adjustment of track was noted well attended to. Very little chance for adverse criticism was found in the matter of sleepers, rail, ballast, fences and the like. The stations were noted particularly clean and orderly. Many improvements are being made at St. George in rearrangement of yard room and passenger accommodations. The Arrochar branch has been extended to South Beach about one mile, and was found in good condition. The Beach station is quite large and well arranged to meet the demands and comfort of large crowds. The highway grade crossings are protected by automatic gongs, some eleven having been recently purchased. Four passenger engines have been added since last inspection and a considerable number of coaches. Sixty-seven-pound steel rails are gradually replacing the fifty-six-pound rails upon the main line. Yellow pine for

sleepers is to be used in future renewals. Seven thousand five hundred feet of sidings have been laid since the inspection of 1892. The road is now tied to 2,640 per mile. A few sleepers were noted too ripe for practical uses, but, as a rule, the "sleeper" life is very strong. There are a number of overhead bridges which have been recently provided with a neat design of hanging "rope warnings." The high platforms at all stations need constant attention in the matter of supporting timbers. Some were noted too much decayed at ground line, though not many. It is suggested that very careful inspection be given them all, and ample bracing be placed. They are now braced fairly well, but too much care cannot be taken in making and insuring positive safety in this respect. Very serious damage could be done by a surging crowd if but a small portion of platform should give way.

ULSTER AND DELAWARE RAILROAD.

This road is single tracked, standard gauge, steel rail, and extends from Rondout on the Hudson river, where connection is made with the New York Central and Hudson River railroad, by ferry, to Bloomingville, a distance of eighty eight miles. The alignment is quite curving, and many of the grades are very steep. The average grade for five miles being 144 feet per mile, approaching the summit at Grand Hotel station, at which point the track is 1,886 feet above the Hudson river, at Rondout. Thirty-one thousand ties, mostly of oak and chestnut, have been placed this year. They are spaced two-foot centers, and as a rule, are all upon road, in strong life. Nothing less than six inches "face," six inches "deep" and eight feet long are used. One of the officials has recently invented a detachable tie rod for the prevention of spreading rail. At the ends of the round rods which extends under the rails, and at right angles to them, are placed castings fitted to conform with the outer face of the rail, and extend under the base of same. These are held in place by heavy nuts on thread, at extreme end of rod, and locked. The contrivance is certainly simple, and it is claimed does not interfere with lining, surfacing, renewing rails or ties, etc. They are intended to be placed at joints, so that each rail would, if "staggered," have the benefit of three of them. The ballast upon the road, while small and quite fine, is well cared for and ample in quantity with very few exceptions. The warning signs at grade crossings were found in good condition and position, as a rule, though not a few need repainting. This should be done, and without delay. Beginning at Rondout, there are two miles of sixty-two, then three miles of seventy-pound steel rail, after which to Big Indian station, sixty-two pounds prevail to the heavy grade, where seventy pound is laid, following this to the end of the road sixty-two pound again abounds. The rail is all in fair life and well spiked generally, though spaces were noted lacking in spike. The officials' attention was called to this negligence on the part of the trackmen, and orders were given them at once to spike every tie upon both sides of the rail. Some 24,900 ties were placed last year. Twenty miles of fencing have been rebuilt recently. New steel turntables at Big Indian, fifty-five feet; Rondout, fifty feet; Grand Hotel, fifty feet; Arkville, fifty-five feet, and Bloomingville, fifty-five feet long, have been erected since

the last reported inspection in 1890. All of the bridges and stations have been painted since 1890. One thousand feet of side track, for storing cars, have been laid near Arkville since the last report, and considerable siding at other points have been laid and extensions made. All of the structures in the roadbed are minus guard rails; the tie guards, however, generally speaking, are large and well bolted. Guard rails would greatly assist in keeping derailed trucks upon the longer structures, and should be laid. The ditches were noted in good state of maintenance, well opened and amply deep. With few exceptions, safety switches of the "split point" pattern were found upon the main line, with Ramapo stands upheld by well spiked and strong timbers. The adjustment of track is extra good as a rule, though some of the sections appear a little slack in this respect. The plank at highway crossings, while generally strong in life, should be given more attention and renewals made oftener. The stations were examined haphazard and found neat and clean as a rule. New sand-house and tinsmith shop have been erected at Rondout. Considerable improvement is to be made at the Phœnicia station. One end is to be extended for baggage facilities, and the other for modern water-closet accommodations. The old dilapidated plaster inside is to be replaced with hardwood ceiling, and the building is to be heated with hot water. The above will be accomplished the coming fall. New passenger stations have been erected at Roxbury, Fleischmann's Stamford, Grand Gorge and Bloomingville since 1890. Many of these, owing to the mountainous region, necessitated considerable expense for grading and retaining walls, in addition to the cost of the buildings. A new water tank was noted at Arkville. The platform should be lowered at Halcottville if possible. Nearly all of the "open cattle guards" have "girders" of T-rail and good floors. These, however, should now be filled and "slats" placed. The grass and weeds have been removed and the right of way appears neat and tidy. Some fifty of cast-iron pipe lines have been placed at minor openings and the same filled since 1890. Only ten remain, and these should be filled and pipe inserted before winter. The deck plate girders over Union street, Rondout, need paint and cleaning upon bridge seats. An effort should be made to replace the rubble stone masonry. Considerable of it is small, and while having stood the "shock" of traffic for many years, still sudden failures should be prevented by absolute safety in this respect. The 212-foot through lattice over Esopus creek has been re-enforced and new floor system placed since 1890. The two spans of deck plate girders have new floor. Near West Hurley is a twenty-foot opening with stringers, three under each rail, eight by sixteen inches, trussed and braced from the abutments, which are high and of rubble stone. The next over a private road is also braced from the abutments. These walls at least should be pointed. The approaches to a number of the bridges and trestles should receive more attention. Near Shokan station are seven spans of wooden through Howe trusses over Esopus creek. These are to be replaced by deck plate girders this fall. This renewal should certainly not be delayed. Near Mount Pleasant are two wooden Howe truss bridges of four spans each that are to be replaced with deck plate girders this fall. It is to be hoped this work will not be delayed. While the present wooden structures

are safe, yet the chance for sudden failure is great. Near Phœnicia a pipe had been inserted under the roadbed, but was found necessary, owing to complaint of adjacent landowner, to be removed, and the opening has been enlarged and rail stringers placed. Near Allaben are two wooden through Howe truss spans of fifty-two feet erected in 1881, and not strong. These are to be replaced by through plate girders this year. All of the old Howe trusses should be watched very carefully and bent up where possible. The company have on hand a number of good second-hand bridge beams of iron which are to be placed upon small openings in place of wooden stringers. Near Big Indian are two more spans of wooden through Howe trusses, fifty-two feet each, to be replaced this fall with deck plate girders. The Queen truss bridges erected about four years ago are still in good form. They are all painted and appear in strong life, though the timber (yellow pine) does not all look even in texture. Intelligent care and attention seems to be the rule in the item of wooden structures along the entire line, but the "dry" wall abutments do not receive as much care as would seem necessary. Near Hobart is a trestle 400 feet long, being filled now, preparatory to placing deck plate girders this fall. The abutments and pier are built and are of strong heavy stone. This road averages very well with the other spur roads in the State, and if the improvements contemplated are accomplished the next inspection will see extra maintenance of way.

WALLKILL VALLEY RAILROAD.

This road is single tracked, standard gauge, and now laid with steel rail, all of the iron having been replaced with sixty-seven-pound second steel rails. Considerable betterment was noted in the physical condition since the last reported inspection of 1890. Eleven thousand ties have been placed this season and 2,500 are yet to be laid before winter sets in. These removals, considering the length of this road (thirty-three miles), leaves little to be needed in this direction. One and one-quarter miles of snow fence have been erected recently. Mile and whistle posts have been erected this year and are now being painted. Yellow pine upon curves and cedar on tangents were noted. The fences were in a good state of maintenance. The track adjustment, considering the ballast material, was found good. There are still some thirteen stub switches in use, but these are gradually being replaced with those of the split point form. Some Wharton switches were noted, but not many. The Ramapo switch stands are largely in use. Ten safety point switches have been placed since the last reported inspection. About 1,100 feet of new siding track was noted laid since 1890 at Binnewater station; also 1,900 feet at the Lawrence Cement Company's works. The curvature is considerable, but the attention paid to proper elevation and easement at ends of the curves are very good. At short intervals, occasionally, decayed sleepers were noticed, but your inspector was assured by the officials that the coming fall would see them renewed. Attention is called to some of the warning signs, needing renewal and paint. The grass and weeds are being mowed, and the roadway is neat and tidy. About four and one-half miles of steel rails have been placed in side tracks since 1890. The

floors, tie guards and stringers upon the minor openings were noted in very good condition generally. Considerable T-rail is utilized in the smaller openings as stringers and answer the purpose well. The masonry should receive attention, particularly where "dry" and small, and should be relaid in cement and of heavier stone. One twelve-foot opening has one abutment overhanging, and a few of the openings are braced between walls. A small amount expended upon the substructures would place all of them absolutely safe. Near Whiteport station, and crossing a creek, is a nineteen-foot opening. The retaining wall upon the down stream side of road "went out," evidently having been undermined. A temporary trestle has been erected and the creek channel is to be shortly changed so as to allow the water to flow away at right angles to roadbed. This improvement should not be delayed. The Rosendale bridge is a decked truss reinforced by wooden trestle in 1837 and 1838, eight by sixteen-inch stringers placed the entire length this year. At the south end a sixty-foot deck Howe wooden truss was placed in 1891. This entire structure should be watched constantly. Its strength would seem ample, but the wood and iron together complicates it somewhat and lessens the chance of frequent close inspection. The pin connected bridge, two spans, over the Wallkill needs paint. It is an old structure and looks too light for present needs. Some of the smaller openings should, if possible, be filled and cast-iron pipe placed. All of the trestles of three bays should be narrowed up to one opening and I-beams placed. A disposition to keep the road in absolute safe condition was everywhere noted; also, in attention to details, this road appears well.

WESTERN NEW YORK AND PENNSYLVANIA RAILROAD.

Special Inspection of the Pittsburg Division, from Buffalo to State Line.

This inspection began at the State line, near Clymer. The line is standard gauge, single track. The track is composed of sixty miles of fifty-six-pound, six-tenths of a mile of seventy-two-pound steel rails and the balance of sixty-pound steel rails. There has been no new rail placed since the last inspection, which was made in June, 1892. Your inspector will not regularly inspect this company's system until the summer of 1894. There has been considerable improvement since last inspection, as follows: Twenty miles of ballast, fourteen miles of standard fencing, barb wire mostly, with board six by one and one-quarter inches upon top of posts, which are, as a rule, chestnut and white oak, spaced eight-foot "centers," six inches diameter at small end and about seven and one-half feet long; fourteen new point switches. There were 25,000 tie renewals, ninety per cent. of which are white oak. Bridge No. 25, over street in Silver creek, has been made virtually a new structure, with solid floor. The roadbed at Lake View and between West Seneca and Buffalo creek has been widened. Bridge No. 47, six bays of trestle has been largely renewed; also No. 46, four bays, and No. 45. Spur track and sidings have been laid at Idlewood, Skinner, Wolebens, Wanakah, Athol Springs and Darby, making a total of 3,810 feet. The general life of sleepers was found good, though too

many were noted needing renewal. This line is fairly ballasted, and the track adjustment may be said to average well. Considerable bracing was noted upon curves. Joint fastenings and spiking were found very good as a rule. There still remain some six stub switches; one at Mayville, three at Brocton and two at Dunkirk. These should be removed at once, if possible. There have been no improvements of moment upon station buildings. All were inspected and generally found neat and clean, though some were noted needing attention, being now somewhat dingy. A few need paint badly. Something should be done with the Athol Springs station and the North Evans station to make them presentable, though not much used. The highway grade crossing warning signs should receive attention at once. Many need paint, and some were noted barely in an upright position. The fences were found in a good state of maintenance, though some were noted down and dilapidated. The ditching has received considerable attention. There is but very little masonry upon this division. There are a large number of wooden structures, and not all in first-class condition. There are sixteen trestles of from two to six bays long, and an equal number from seven bays upward. The bent openings vary from fourteen to eighteen feet. There are 140 single openings from two to twenty-foot span, including cattle guards. A large number of the minor single openings could be made permanent by utilizing cast-iron pipe and filling. It is suggested that steps in this direction be taken immediately. The chief engineer informed your inspector that reorganization would probably soon take place, and the policy would then be to eliminate a certain number of the wooden structures each year. It is to be hoped something will be done in the near future. Considerable recent renewal has been made upon many separate minor structures. Much has also been made upon the larger trestles. Still it would seem, considering the danger from fire, washout, decay, etc., some immediate action should be taken to insure the construction of permanent structures in the roadbed. Bridge No. 54, south of Sherman station, is a deck plate girder, sixty-three feet long, placed in March, 1893, over French creek. No. 53 is seventeen bays of trestle, sixteen-foot centers, white pine. This trestle is thirty feet high and timber was noted on ground to renew with. It should be watched closely. It is false economy and dangerous to use second-hand timber in repairing trestles, or timber of inferior quality. Has oak floor system, closely spaced. Inside guard rails and guard timbers. Delay should not be allowed in placing this structure in positively safe condition. No. 52 is an old trestle, sixteen feet high, twelve bays of sixteen-foot "centers," should be renewed at once. No. 51 is a trestle of twelve bays, sixteen-foot "centers," to be reinforced from timber to be taken out of No. 53. This structure is out of line, posts showing decay; is about twenty-five feet high and generally poor; should be attended to at once. No. 47 is a trestle of six bays, sixteen-foot "centers," upon new piles since last inspection. The stringers are three, nine by eighteen inches under each rail; should be more attention given to keeping water upon these structures. No. 41 is the Big Gulf trestle, eight bays of eighteen-foot "centers," and between eleven and twelve years old. The bents lean, also posts; blocking upon top of sills slightly decayed. Stringers about nine years old. This structure

is not in good condition, should be renewed at once. It is over an angry stream, with loose material liable to slide and dislodge bents easily. It should be arched and filled. Delay in attending to this structure should not be allowed. No. 38 is called the Goose Hollow trestle. It has twenty-seven bays, twenty-five of which are eighteen-foot "centers" and two of sixteen and one-half feet. The extreme height is fifty-three feet, and its age is some eleven years. Stringers two, ten by twenty inches; has inside rail guards and guard timber. The posts are out of plumb and bents out of alignment. It is in poor condition as a whole, and needs renewal at once. If it is to be maintained, a small stone arch would answer for the creek. Blocking was noted to some extent, crudely placed. One barrel of water at each end was noted for fire protection; should have water at closer intervals. The carpenter force upon this division does not seem sufficient when the number and kind of wooden structures are considered. Decay was noted and delay, if allowed, may prove disastrous. No. 37 is trestle 355 feet long, of various spans from eight to twenty-foot "centers," three, seven by sixteen-inch pine stringers. This is in an unsafe condition; the sills are liable to be undermined in creek. Considerable vibration was noted. If allowed to remain, would suggest masonry piers and general overhauling. Water should be maintained on deck in case of fire. This opening should be filled and arches constructed. The deck lattice girder bridge, over Little Canada way creek, was found in general good condition. The back walls are too light. The creek channel should be straightened. The triangular deck truss over Big Canada way was found in good form and condition. No. 33 is trestle of five bays in extent; stringers are three, eight by sixteen-inch white pine; should be culvert and filled. No. 31 is twelve-foot opening; should be masonry abutments and I-beams without delay. No. 30 is trestle, seven bays, near the New York, Lake Erie and Western railroad crossing; ninety-five feet total length; should be filled and stone culvert placed. No. 29 is seven bays of 108 feet total length; stringers two, ten by eighteen inches. The Nickel Plate have taken their part away. The girts between caps were only noted upon south side. The life of timber in the structures, particularly where forming double-track with the Nickel Plate, was noted strong. No. 28 is now fifteen bays, ends are twelve-foot centers — one sixteen feet and the rest fourteen feet. The former structure had fourteen bays, four of which were eighteen-foot centers. The failure of the former structure December 15, 1893, was serious. The sills of the present bents in the bed of creek are more firmly placed than formerly, but the same conditions with reference to angle at which the creek water approaches the bents exist now as before. This trestle should be filled, creek channel straightened, and a permanent structure, upon stable masonry, erected without delay. The practice of blocking up under sills, with wood, should be discontinued. Solid masonry piers should be insisted upon, particularly when in line of freshet water. It is suggested that great care be taken in removing or cutting away any part of the trestles abandoned by the Nickel Plate Company. Officers of both roads should be on hand at such times and see to it that the remaining part be placed in equal bearing, and to safely conform to the new conditions. The removal of the sills in part is certainly unwise. No. 27 is trestle of five bays,

fourteen-foot centers, white pine, over small creek. This has been partially removed by the Nickel Plate Company; some of the sills are still in bed of creek. It could be filled and made permanent by constructing stone arch. The next trestle east has not as yet, December 22, 1893, been touched by the Nickel Plate Company. It is composed of white pine, four stringers, seven by sixteen-inch cross section bays, all fourteen-foot centers, except center one. The timber is in fair life. At Silver creek, over a street, is a new solid floor through plate girder bridge upon good masonry abutments referred to above. The Silver creek trestle, some 1,800 feet long, including two deck wooden Howe trusses and one iron deck Fink truss, appears in safe condition. The bents mostly date back to 1886; and the stringers were largely placed in 1890. All the sills are upon stone piers. It is fifty-three feet high at extreme point; has water on deck for fire protection, and is inspected monthly, so your inspector was informed by officials. This should be modified to an iron viaduct, or better, filled and stone arches placed. No. 22 is trestle over Dead creek, some 260 feet long; should have deck plate girders supported by masonry piers; is safe now. All of the structures of any moment have inside guard rails and guard timbers. The next is trestle upon curve, thirty-five bays, mostly fourteen-foot centers. The Nickel Plate structure is very close, but separate; not enough water was noted on deck. The stringers are now three eight by sixteen inches under each rail, the third having been placed one and a half years ago. The bents were placed in 1887. The sills are largely covered with soil. Next and over Cattaraugus creek are three 150-foot spans of through Pratt trusses upon good masonry piers. Some settling of stone work has been noticed by the officials and is being watched carefully. No. 20 is over street and water ditch, in the village of Farnham. This structure is in very bad condition. The chief engineer informed your inspector that the railroad company were ready to renew with stone and iron, but there was some question about the span, the village authorities not agreeing with the company in the width to be spanned. The west abutment is now crudely braced and liable to fall at any moment. The stringers look sound as do the piles, but something should be done immediately to take the load off the ends. Would suggest that it be renewed with iron and stone without delay, and that in the meantime piles and caps be placed back of present abutments and banks lightened. The Nickel Plate are also interested at this point, being in juxtaposition. The Lake Shore road immediately north have iron girders upon recently erected stone work over street. The Angola trestle, 570 feet in length, is divided upon either side of a deck triangular truss, resting upon masonry abutments and 128-foot span. All appears in good condition. This structure is over Big Sister creek. East of the bridge the trestle rests upon stone piers. Steps should be taken by both companies to make permanent work here. There are a number of wooden structures over creeks and waterways upon this end of division in bad form and condition. Steps should be taken at once to make the structures absolutely safe. Speed, and even accommodation, should be considered secondary, as compared with the necessity of first placing all structures positively safe. The money expended by this company in ballast, rail, and the like, would, if placed in permanent roadbed structures, show great wisdom and true economy.

The Nickel Plate road, particularly where close to the Western New York and Pennsylvania railroad, is open to the same criticisms, and the structures of both roads should be treated much the same.

WESTERN NEW YORK AND PENNSYLVANIA RAILROAD.

Main Line.

(Regular Inspection.)

This line extends from Buffalo via Olean to the Pennsylvania State line. All single track except eight miles. Standard gauge and laid with steel rails sixty-seven pounds per lineal yard. This property is well fenced, generally speaking. Between Olean and State line, four miles have been renewed since 1890, the last reported inspection. Between Olean and Buffalo some fifteen miles have been renewed and about twenty miles repaired since 1890. The fence generally consists of posts and wire. The recent standard distance of eight feet between posts, which has been adopted, will add greatly to the length of its life. The highway grade warning signs are up in good form and conspicuous in location. The adjustment of track was noted good as a rule, though a few of the sections lack good surface and even joint bearings. The joints are upheld by two ties. Angle bars with good section were noted, but low joints were found oftener than should be. Considerable ballast was noted, though not a little more is needed upon shoulders. The top of embankments in not a few cases need filling out and widening. The ballast is of gravel from beds along the road; one in particular being 114 feet high. The gravel is not very large, though if placed plentifully it averages well. Several sags have been taken out since 1890. The cattle guards consist of wooden slats and were found strong and in good condition. The tie life is good except near the State line. They are close together and of good cross section. Twenty thousand renewals will have been placed by the coming winter. Some attention has been given to opening ditches, though considerable more work is to be desired in this direction. The switch targets and signals need paint very much. The officials assured your inspector this work would be accomplished without delay. The switch stand timbers were generally noted strong in life, though not a few instances were noted needing attention. The right of way, as a rule, was found well cleared of brush and debris, and the grass and weeds found closely cut. The Olean yard has been greatly improved, including new siding and rearrangement of tracks and the like. Over two miles of new siding have been laid since 1890. Near Ischua station was noted a new water tank and toolhouse since last reported inspection. A number of open cattle guards should be filled and an extra effort is suggested in this direction. Where necessary to keep open because of water, these small openings should be either "piped" or floored over with old steel rail laid on masonry. Spare rails (in case of accident) to replace with, should be kept on hand at each milepost. This has been the custom, but upon day of inspection the absence of them was noted in many instances. Many of the passenger stations need paint and repairs. Some were noted untidy, and the waiting rooms not neat and clean. Agents should wear cap or badge. A new frame station was noted at Lime-

lake, and Ischua and Machias stations remodeled. Franklinville station was burned since 1890, but has been rebuilt and repaired, and is now in good condition. Wooden platforms have been removed and gravel placed instead, in a number of instances, making a good surface and permanent work. Arcade station is to have gravel platform. Drinking water and cups should be kept at all stations where possible. East Aurora station needs repairs and attention inside and out. Twelve lines of cast-iron pipe have been placed since 1890, and the officials promised fifteen more before winter. These small openings should be filled in this way without delay. Between Olean and the State line are three iron bridges and four minor openings. No. 16 is a through riveted bridge 128-foot span. It has been reinforced, masonry is good and sound. The next opening consists of three bays, ten, twelve and fourteen feet respectively with white pine stringers, three, eight by sixteen-inch, under each rail. This structure is over a street. Masonry and deck plate girder should replace this trestle. Near Westons station is a low six-foot opening over creek, not in first class condition. Should be replaced with I-beams. Between Portville and Westons stations is a small opening with white pine stringers over a creek, and short of head room. The masonry is small, loose and poor. Bridge No. 17 is a through plate girder, sixty-nine feet over creek, needs paint, and should be cleaned; on bridge, seats were erected in 1890. Masonry is good, large and sound. No. 18 is a 134-foot through pin connected truss bridge over the Owasco creek. All appears well; also masonry. Next is a six-foot opening, with stringers eight by sixteen-inch, white oak, and two under each rail; should be overhauled this season. Near Hinsdale station is an opening with wooden stringers, six feet wide, at present in fair life, but should be "piped" and filled. Near milepost E 61 is an opening twelve feet wide, with bents in front of walls; the masonry should be relaid without delay. Bridge No. 15 is a pony riveted truss, and two spans, seventy-nine feet each, over a creek, and in apparent good form. It is on quite a skew. No. 14, are two spans of seventy-nine feet each, pony riveted trusses, with about 114 feet of not extra good trestle approach, which should be attended to. No. 13, is a through riveted truss bridge, 120-foot span. Repairs are being made to the north abutment, and when completed, this structure will be in safe condition. Near milepost E. 65 is a through riveted truss bridge, 120-foot span, bented near center; was erected in 1873, and since been reinforced; a new structure will be placed soon. The mason gang, noted at work on day of inspection, should not be taken off, until all of the masonry is pointed and placed in good form. There are too many minor openings, cattle passes and the like; an effort should be made to reduce the number. A number of the cattle passes were noted closed up and in apparent disuse; many could be bought out probably, and true economy subserved; the cost of maintaining is large, and constantly going on, while at present they are safe. Much renewal should be accomplished before another year, to place them in a positively safe condition. Bridge No. 11 is a through riveted truss, 107-foot span, erected in 1891, and is in good condition. Between mileposts E. 72 and 73 is a pony lattice bridge, erected in 1893, seventy-seven-foot span, has ample metal and is well designed. Near milepost E. 74 are two open cattle guards, which

should be filled. These open cattle guards are out of date, and modern maintenance gives preference to the metal slats. Much of the iron structural work needs painting without delay; "steel brushing" and "scraping" should first be carefully attended to. No. 8 is a trestle, 361 feet long, bays are sixteen feet, center to center, bents on piles. This structure should be filled, stringers are three, eight by sixteen-inch, under each rail, bents placed in 1886, and stringers in 1888. Some of the "caps" looked decayed and a careful "boring" inspection is suggested. No. 7 is an eighty-eight-foot span, lattice deck bridge, over the south branch of the Cattaraugus creek, erected in 1879, and reinforced in 1885, in "web" members and plates on chords. A bad washout last May caused considerable damage, but at present this bridge is in good condition. No. 6 is a 124-foot pin connected deck truss, new in 1891. Over the north branch of the Cattaraugus creek, a long trestle was noted, filled at one end, and then eighteen bays of trestle, about 270 feet, all new. Next are four bays, fourteen-foot centers, over highway. Appears in strong life, but when renewal is needed, masonry and girders should be erected. Too many "sills" were noted covered up. This feature in the proper maintenance of timber structures is near sighted, for the alternating moisture and dryness of the ground tends to decay timber quickly. Timber covered by constantly moist or dry material is a benefit many times, but for proper inspection, and to always know the exact condition of the timber, it should be kept uncovered. Near milepost E. 105 is a ten-foot opening. Cast-iron pipe was noted on the ground. This work should not be delayed. A number of small structures nearby were also noted, that should be treated as above. No. 2 is a pile trestle too old. It should be renewed without delay. Next northerly was noted twenty-three bays, fourteen-foot centers, pile trestle. Piles were noted on the ground to renew. An interlocking plant, erected last year, was noted at the Delaware, Lackawanna and Western railroad crossing, near the Buffalo yard.

Olean to State Line — on New Castle and Oil City Line.

This road is single track, standard gauge, thirty-eight miles long, and laid with fifty-six-pound steel rails upon the first twenty miles, Olean to Salamanca. The remaining eighteen miles are laid with the standard sixty-seven-pound steel rails since 1890. Five new iron and steel bridges have been erected since 1890, the last reported inspection. Three iron girder bridges will be in place by October first next, the officials informed your inspector. This line was for the most part well laid out, with easy curves and considerable tangent. The sleeper life is very good and the ties all oak, seven by eight-inch section and eight and one-half feet long, laid very close together, averaging eighteen per rail length. The joints are fastened with angle bars twenty-six inches long, four bolts, and weighing forty pounds per pair. The item of ballast has been well attended to. It is of good size, and obtained along the line. The switches are all split points, well maintained. The adjustment of track was noted good. The ditches were found well opened, and of sufficient depth to amply drain the roadbed. Fences were up and in a good state of permanency. The brush,

weeds and grass have been well cut and removed. Some spaces were noted slack of ballast on shoulders. The one degree curve, one and one-quarter miles long, needs instrumental attention to place it in proper curvature. The constant reballasting, retieing, surfacing and the like has caused "flats" and "humps" in some places. The inspection began at the State line. Spare rails were noted at mileposts. Along the Allegheny river high, loose rock banks occur that should receive constant attention. Considerable trimming is accomplished from time to time, so the officials say; but places were noted upon day of inspection requiring removal of large loose fragments of stone, and trees nearly undermined. A large amount of material was noticed scattered along the line at intervals for taking out sags. Much of this work will be accomplished before winter. The warning signs at high-ways were found well painted, in good life and in conspicuous locations. The cattle guards consist largely of wooden slats, and the cross fences in every instance were well maintained. Many of the culverts under embankments need attention at ends. Between Salamanca and State line the alignment could be much better. A number of reverse curves could be taken out and at small expense. The curves are well braced, and the elevation of outer rail in fair proportion to speed. The abutments at Wolf run were being relaid preparatory to placing iron bridge. It is now safe. Next is a through riveted truss bridge, new since 1890, and of excellent form and construction; was an old wooden Howe truss. No. 95 A. is a deck plate girder, has good oak floor system; needs paint and filling out upon the north end and back of abutment; is on a curve, and needs retaining wall; bottom of embankment, north side, and bridge seats cleared. There are several plate girders of minor spans that are to be strengthened to meet increased weight of motive power. Near Red House station is an iron through riveted truss bridge over water, erected last fall, and of excellent design. The masonry is excellent in form and construction. Some of the iron structures need paint without delay. Targets and signals also need painting. No. 101 is about thirty-foot span, now bent; has white pine stringers, three, eight by sixteen-inch, under each rail; is to have deck plate girders this year. The masonry needs pointing. No. 102 is through riveted truss, two spans, ninety-seven feet each, erected this year, and of excellent design. Adjoining is about 2,000 feet of floodway trestle that the officials say will be largely renewed this year. About one-half are bents on blocking, and the other half are white oak piles; has guard rail and water in barrels; is upon a curve. It is very difficult to understand the necessity for maintaining so much trestle for freshet water. While safe at present, no delay should be allowed in replacing with sound timber that which is too much decayed for *absolute* safety. Within a few hundred feet are thirty-two bays of trestle, fourteen-foot centers, same construction as above; needs new floor system. A watchman is said to be constantly on hand. Water in barrels was noted at intervals. These trestles should be shortened if possible. Next is a sixty-four-foot through wooden Howe truss, seven years old. It is bent twice now; is over a bad, angry creek, filled with logs and debris. An iron through plate girder is promised at this point before winter. The masonry is in good condition. A mason gang was noted on day of inspection pointing up stone work and

relaying where necessary. Near Allegheny station are forty-nine bays, fourteen-foot centers, pile trestle; then two spans of through pin connected bridging erected in 1890. The trestle, while in apparent safe condition at present, should be overhauled soon and renewed where necessary. Near Olean are six bays of pile trestle, partly renewed in 1892. The caps are shouldered upon heads of piles. The stringers are white pine and apparently in strong life. The passenger stations, with the exception of ordinary repairs and painting, were found neat and clean and in good condition.

Pittsburg Division.

This line, extending from Buffalo via Brocton to State line of Pennsylvania, was carefully inspected last spring. The Goose Hollow trestle, complained of to your honorable body, has been entirely filled, requiring 50,000 cubic yards of material. A stone arch, semicircular in form, with side walls, was erected, giving ample water area in time of greatest flood. The Big Gulf trestle has been filled also and stone arch culvert erected. The sills of creek bents along the line are made fast to the bottom by iron, fastened into the rock where possible. It is suggested that great care be taken to avoid placing bents in locations susceptible to undermining in or near creek beds in any event. While the construction referred to above adds safety to a trestle's condition, yet it is not positively safe and should not be relied upon. This division has been greatly improved, and more, it is said, will follow before the coming winter.

Rochester Division.

This line extends from Rochester to Hinsdale junction with the main line. It is standard gauge, $101\frac{1}{4}$ miles long and laid with fifty-six, sixty-five and sixty-seven-pound steel rails per lineal yard. The general betterments since the last reported inspection in 1890 include eighty and six-tenths miles of standard fence, forty-two and twenty-hundredths miles of standard sixty-seven-pound steel rail, eighty-three-hundredths miles of new sidings laid, seventy-six and twenty-hundredth miles of track ballasted, 125,112 new white oak ties in main track, 53,969 new rail braces, 4,672 cubic yards of riprap protection, nine new sets of switch ties and thirty-three sets repaired, eleven new semaphores, nineteen bridge spans, aggregating 1,740 feet, twenty-five bridge "warners," standard form; completed grade improvement at Tuscarora in 1891; switch lights placed upon entire line 1893; modified alignment south of bridge No. 14, 1892, and 132 feet of twenty-four-inch cast-iron pipe placed at various points in 1894. The above improvements also include the short freight terminal road in Rochester, about three miles long. There are thirty-one and thirty-one-hundredths miles of fifty-six-pound steel twelve years old, six and eighty-five-hundredths miles of sixty-five-pound steel ten years old, sixty and forty five-hundredths miles of sixty-seven-pound steel one to five years old, fifty-six-pound steel rail on terminal road twelve years old. The towing-path of the old Genesee Valley canal was utilized to a great extent in the original construction. The grass, weeds and brush were

found well cut and "grubbed." The inspection began at Rochester, near the West Shore crossing. The line as proposed will cut out two bad curves and shorten the distance considerably. The ballast, while generally good, was noticed slack on shoulders in many places. The fences were found well-maintained. The warning signs at highway grade crossings were found well maintained, though some were noted needing paint and better location. The cattle (wooden and iron slats) guards are well maintained, though a few instances were found needing repairs to wooden slats. The fifty-six-pound rails are quite a little worn and the adjustment is not of the best or near it. The sleeper life was found good; in fact, very good, closely spaced and very fair cross section. A few instances were noticed where ties are split or decayed and not up to the first-class section. Considerable gravel ballast has been placed, but much more is needed and of greater depth. Between mileposts 42 and 43, in a gorge, where some trimming is necessary, the slopes of the cut are quite high and steep and loose shale fragments overhang. Near milepost 45 and Tuscarora station, as mentioned above, the grade has been greatly modified and bettered. "Clearance posts" at sidings are maintained in good condition, and kept well painted. While the ditching is fairly well attended to as a rule, considerable of this work is needed. It should not be neglected; well-opened ditches are many times equal to a foot of ballast. The switch stand timbers are sound and of ample section, but a number of them were noted too much decayed. Spare rails were noted in good numbers along the line. Near milepost 73 the river has made inroads toward the track, and very large, heavy riprapping is being placed. The highway grade crossing plank were noticed fairly sound and well maintained, though neglect was noticeable in quite a few instances. The passenger stations seem adequate for the business, and they are in a good state of maintenance. All need paint, though not badly. The life of wood-work is greatly enhanced by good paint, and it is a mistake to neglect keeping the surface well covered. The station at Fillmore seems too small for the traffic. It should be enlarged without delay as a matter of economy. Portageville station needs new platform and new floor in waiting rooms. Generally, the stations were found neat and clean. Safety switches abound on main line. A new through lattice bridge was noted over Exchange street, Rochester. Bridge No. 1, over Allen's creek, near milepost 12, is new and a through plate girder. The north abutment is on piles and blocking. The wall is to be rebuilt. Between mileposts 14 and 15, the line is to be modified and some four curves to be eliminated. Near Fowlerville and milepost 24 is a six-foot opening needing renewal. Bridge No. 2 is a fifty-foot through plate girder only three months old, over creek, and in good condition. No. 2½ is an I-beam bridge, two spans, nineteen feet each, on masonry that is fair. The track is out of line over bridge. Next is a through steel lattice bridge, three spans, over the Genesee river, erected in 1891, all in good form on day of inspection. The deck Howe wooden truss, over raceway, near milepost 35, has been replaced with an iron deck plate girder, guard rail, and the masonry was found in good condition. No. 5 was Howe truss, is trestle now, but is to be replaced with a deck plate girder this season. Near milepost 40 are two ten-foot openings; new piles have been recently driven; is over a State

spillway and should be I-beams. Near milepost 41 is a through riveted bridge, ninety-foot span, erected in 1892, over a creek. No. 8 is over a creek, thirty-foot span through plate girder with floor beams suspended from girders; needs paint; should be overhauled; the creek bed needs cleaning on curve. No. 10 is a new bridge erected in 1893, over water, and in good condition. A small opening near milepost 49 was noted burned at one end; should be renewed. The minor openings are generally in safe condition, though not a few could, it would seem, be closed up or piped. At milepost 55 is a sixteen-degree curve and high rock bank that should be trimmed back for positive safety. No. 12 at milepost 56 is a trestle of eleven bays yet to fill; little has been recently filled. No. 13 is trestle, low, 310 feet long, two years old. The clay material at this point has been sliding for some time. The bank is very high and the material very heavy. It was a dangerous place, but is now in much better condition. Bridge No. 14 consists of three new spans, 152, 168 and 138 feet respectively. Over the river near Portage, are deck spans of modern design; were seven spans of deck wooden Howe trusses. New substructures have been erected. The masonry in the old work was not fit for the new. Three thousand cubic yards of old stone work were shoveled into the river. The new metal work is of the best, and it is pleasing to note this great improvement. Some \$32,000 have been expended at this point. Between mileposts 60 and 61 is a stone culvert washout which has a temporary trestle. Officials say it will be repaired immediately, and it certainly should. No. 15 is a new bridge of fifty-five-foot span, erected this year, over water, and on curve. Was a Howe wooden truss bridge, quite old. There are some six trestles yet to be replaced with bridges on this division. Sixteen old Howe truss bridges replaced with steel and iron structures since 1890, is a record this company can well be pleased with. Near milepost 70 1,400 feet of track were washed out last May. It is located near the Genesee river, and an embankment gave way. It is now filled in good condition. At milepost 73 the river has washed too close to the track. A large amount of heavy riprap stone filling is being placed, and to make it safe will have to be built out in the river several feet. No. 18 is a forty-foot one-half through plate girder span, new since 1890. Was an old wooden Howe truss. The bridging upon this division, also the trestles and small timber structures, are maintained in a good state of life. The great chance for danger, however, is in not being careful to renew before the timber has reached a questionable limit. The carpenter force should be amply large.

The Swain Branch.

This branch is maintained by the Western New York and Pennsylvania railroad, and operated by the Central New York and Western railroad. It is twelve miles long, and extends from Nunda junction with the Rochester division to Swain's junction with the Central New York and Western railroad. This line was put in operation in 1891. Four and eighty-three-hundredths miles of changed work completed July, 1891. Two thousand ties will be placed this year. Three thousand six hundred and thirty-five were placed in 1893 and 5,690 in 1892.

Has three and sixty-eight-hundredths miles of fifty-six-pound steel rails, twelve years old, and eight and thirty-two-hundredths miles of iron rails, twelve years old. There are two passenger trains each way daily. Tie renewals are all chestnut. Switches are all "split points." The inspection began at Swain's junction. The warning signs need paint. Too many low joints were noted. There is no masonry upon this line. A number of wooden boxes were noted that should be stone. The fences were found in a fair state of maintenance. The cattle guards are largely slats of wood and in good condition. The tie life is fair, though some spaces were noted needing renewals. The grass, weeds and brush were noted well cleaned away. The targets and signals need paint. This line needs ballast in places. The old iron rail is kinked vertically and in poor adjustment. The curves are braced fairly well for the traffic. There are eleven minor structures ranging from four to twelve-foot span, all renewed in 1890 and 1891, and in fair state of life now. There are five trestles, with not a little hemlock timber in them. They should be overhauled and renewed where necessary. At the end of a 380-foot trestle is a new Howe truss wooden bridge on pile abutments. This work should be made more permanent. No delay should be allowed in renewing the timber structures where decay is apparent. The limited traffic upon this line necessitates greater care than usual in constantly knowing about the condition of the hemlock timber.

Narrow Gauge Division.

This line extends from Olean to the Pennsylvania State line, a distance of twelve miles, and is three-foot gauge. There is about an equal amount of iron and steel rails, averaging thirty-five pounds per lineal yard. The renewal of ties since 1890 has averaged about 560 per mile, and the officials say they will place an equal amount this year. Trestles Nos. 13 and 14, about 150 feet total length, were filled in 1892. Stub switches abound. The signs need paint. The post-combination spans over the Allegheny river have been overhauled since 1890, and renewed; but if this road is to continue in operation, the timber structures (of which there are too many) should be given closer attention. The road winds up around the mountains; the alignment is very circuitous and the grades are excessive. With few exceptions the trestles are on sharp curves and quite high. Hemlock timber is used largely. The officials informed your inspector that a close "boring" inspection was made last spring. If any tangents occur, they are barely long enough to allow a train to straighten. The average grade is one hundred and seventy feet per mile. Two trains are run each way daily. Thirty-degree curves are not scarce upon this road. The great danger from fire in the thick woods along the line would seem to necessitate water for protection to be constantly maintained upon the trestles, but no care is taken in this direction. It is very difficult to see the wisdom of keeping this road open at all. Opened during the oil excitement it may have answered a purpose then, but the present business of the road is so meager, added to the great expense of comparative maintenance, steep grades, sharp curves, and slow running time, that to abandon it would be the cheapest, safest and best course to pursue. If it is to continue in operation, your inspector would suggest that every struc-

ture be supplied with water in barrels, at close intervals, and that the track be patrolled before and after each train daily, by men competent to quickly see and make good any dangerous part.

WEST SHORE RAILROAD — MAIN LINE.

The main line of this road extends from Weehawken to Buffalo. From New Jersey State line to Buffalo is 406 miles, laid mostly with sixty-seven-pound steel rails. The sleeper life is good, particularly on the Hudson River division. Considerable renewals are yet to be made upon the Mohawk and Buffalo divisions (called by the company the Buffalo division). Too many decayed ties were noted west of Syracuse. But your inspector was assured by the officials that the coming fall would see the road very well tied up. The fences were found up in first-class condition. A large amount of woven wire fence has been erected and gives good satisfaction. The road needs ballast badly west of Coeymans. The alignment and adjustment of track are good, considering the lack of ballast. The Hudson River division, owing to the large amount of traffic as compared with that on the Buffalo division, is kept in a good state of maintenance in the several items. The rail life is generally strong and even, and the renewals in this item, as in the others, are proportionate with the condition of business. The recent financial depression has affected the maintenance not a little. Considerable improvement, however, was noted. Since the last reported inspection in 1890 a few new passenger stations have been erected and quite a large number have been remodeled and placed in good condition. The station inspection was made haphazard, and they are all in a good state of repair, with, of course, some notable exceptions. The Utica station in particular is little better than a barn. Some effort certainly, it would seem, should be made toward a respectable station, with fair accommodations for the traveling public at this point. The signals and targets were all found well painted, and care is taken to repaint them all twice each summer. Two new highway grade crossings were noted on the Hudson River division, viz., one at Catskill and the other between Mount Marion and Saugerties. The frail warning signs along this road are being replaced by heavier and stronger ones. They are well painted and generally placed in good locations with reference to the view upon highways. The overhead bridges were all noted in extra condition. Those upon the Hudson River division have all been renewed except one, which is to be eliminated. This road is double tracked from the State line to Syracuse; thence to Jordan it is single; from Jordan to Port Byron it is double; Port Byron to Lyons single; Lyons to Fairport double; single from Fairport to Churchville junction; thence to Bergen double; single again to Clarence, and thence double to Buffalo. The item of highway crossing plank was noted in general good condition, particularly so along the Hudson river. The danger from falling rock along the Hudson river is kept at a close minimum. Rock gangs are in constant attendance, clearing and removing loose material, and watchmen are employed at all dangerous cuts and places. The tunnels were casually examined and found in safe condition. This company appears to realize the great importance of constant attention in the last two items. Wharton

switches still abound to quite an extent, though "splits" are being introduced in many places. There are yet remaining upon the Hudson river division some twenty-four facing switches. A large number have been modified since 1890, however, and the near future will, it is hoped, find them all removed upon the double track. Rails for renewal in case of accident were noted upon each mile along the road. The cattle slats and open pit guards were found well attended to, though too many instances were noted indicating negligence in this respect. The cross fences were noted up and in a good state of maintenance the entire length of the road. The grass and weeds have been generally well cared for. Through the Mohawk valley the growth is rapid, and extra attention is needed to keep the right of way clear. Not a few of the "sags" have been taken out along the line since 1890, and more is to follow shortly. Modification of alignment has been made in a number of instances, improving the degree of curvature and bettering the general line not a little. Considerable new siding track was noted; also betterment in location and arrangement. This roadbed is very well drained as a rule. Though in some of the long cuts on the Buffalo division constant work and attention is needed upon days of inspection gangs were noted in a number of places opening and cleaning the ditches. This work should not be neglected, particularly where ballast is scant. Too many low joints were noted upon the Buffalo division. The structures in the roadbed on main line are very largely composed of iron and steel. All of the metal work was found by casual observation in good form and condition, except adjustment of members, cleaning on bridge seats, flanges and channels and repainting. Much of this work has been accomplished and much still is to be done. The floor systems and masonry were particularly examined, and the wooden structures, of which but few now remain, were also carefully inspected. Bridge No. 22 is a deck plate girder, twenty-five-foot span, has one broken bridge seat and needs new floor; No. 23 needs paint, else good; No. 26, I-beams, eighteen-foot span, needs new deck; No. 29, 156-foot opening trestle bents, thirteen centers, twelve bents should be removed. Sixty-foot through plate girder south abutment has settled about eighteen inches in four years. It is on pile foundation. Originally had one-half inch per foot batter; now is nearly plumb. North abutment is also crowded over, bracing has been placed between these abutments at bottom; they are quite high. These abutments are being carefully watched and, while serious danger is not at present apparent, still for positive safety this structure should be rebuilt and, if necessary, widened out. No. 36 was a pile trestle; has been cut down and bented. Piles have been driven and bolted on river side at each bent. No. 37 is a pile trestle 325 feet long, being filled. No. 38 was a pile trestle 263 feet long, filled last June. No. 40, pile trestle, 412 feet long, filled in 1893. No. 41, pile trestle, filled this spring. No. 42 was pile trestle; has been cut down and bented; this was done in 1892. No. 42 A. was (wooden stringers) filled June, 1894. No. 43 was pile trestle, 250 feet long; has been cut down and bented in 1893. No. 44, pile trestle, 350 feet long, was cut down to low water and bented in 1893; all good now. No. 45, pile trestle, 1,687 feet long, has been cut down and bented; it is on curve and in good condition. No. 51 was deck wooden Howe truss; is now deck plate girder and

good masonry abutments, done in 1891. No. 64, pile trestle, 464 feet long, were sixteen-foot "centers," are now fourteen feet; new piles were driven in 1891 and new floors placed. No. 66, four bays; bents on piles cut down in 1892; has good floor. Nos. 67, 68, 69, 70, 71 and 72, all new floors and in good life. The viaduct at Newburgh is to have new floor this year. Considerable retaining wall is being rebuilt through Newburgh, all of heavy stone, good work and ample dimensions. No. 96 was a long trestle which was filled in 1890, except ninety-six feet which was renewed and is in good life now. There are a number of the minor openings that should be "piped" and I-beams utilized in other places. No. 89 was pile trestle, filled in 1891, leaving five openings with total of 192 feet and all in strong life. The remaining trestles (wooden) on the Hudson River division were all found in strong life and ample timber. No. 142 A. was high trestle, 460 feet long, and eighty-five feet of bridging is now filled, taking 161,000 cubic yards of material. It was on a curve and the filling was wise. The floors of all the openings were found in safe condition. A number of bridge seats were noted cracked or open — one in particular crumbling. These are to be renewed immediately it was said. The fault of girders crowding the back walls has almost entirely been remedied. No. 215 A. was 210 feet of trestle. A new stone culvert has been just completed and the filling made. The masonry work along the Erie canal is in good form and condition. A connection with the New York Central road near Jordan was noted, about 1,500 feet long. The pile bridge over the Montezuma has been overhauled since last report. Some 400 feet of it have received new piles and bents and 300 feet shortened by filling. No. 570, deck bridge over Tonawanda creek, remains as before reported. The piers (stone) that are bound with iron rods have not materially opened since the previous inspection. Some riprap has been placed and this structure; as a whole, is in good condition. The pier stone are not the kind for this location. These piers may stand for years, yet, for positive safety, new piers of better stone should be erected. No. 572, a deck plate girder, eighty-nine feet total length, has a pier "strapped up." The cracks are not as yet bad. It is inspected often, and your inspector was informed by the division road master that it will be relayed with better stone as soon as it opens to any extent. About 1,300 feet of trestle have been filled since 1892 at bridge No. 590.

Albany Branch.

This road is single track, eleven and four-tenths miles long, sixty-seven-pound steel rails, and extends between Albany and Ravenna. In place of the high wooden trestle is an iron viaduct 1,002 feet long, completed in June, 1894. It is an excellent piece of work, both in form and condition. Bridge No. 189, six-foot opening, has two I-beams under each rail. Needs new floor, else in good form. Masonry good. No. 190 is the same as last and needs new floor. No. 191 is a deck lattice girder, ninety-four feet long, over creek; all in good condition, including floor and masonry. Next are six bays on piles, thirteen feet center to center of caps, built in 1890. North of Wemple flag station is a ten-foot opening with I-beams needing new deck. North of Glenmount station is a thirty-foot opening, with deck plate girder under

highway crossing, all in good condition. The through lattice riveted bridge, with pile trestle, over the Normanskill creek, was found in good condition and in strong life; the piles were driven three years ago. The remaining structures (minor) were found in very good life. The adjustment of track is very good, and the tie life strong. Four "Wharton" switches were noted; the rest being of the split-point pattern. The warning signals were noted well painted and in conspicuous places; also in good life. The grass and weeds have been cut and removed, and the right of way has an orderly appearance. The cattle slats were also found well maintained. Considerable attention was noted given to the important item of ditching. Rails, in case of breakage or accident, were found up at mileposts. The ballast was found well attended to, and low joints very scarce. The stations were found in good repair, neat and clean.

Chenango Branch.

This road extends from Syracuse to Earlville, a distance of forty-two miles, is single track, standard gauge, and laid with sixty and seventy-pound steel rails; four miles of the latter only. This branch is in much better physical condition than previously. Great improvement has been made since 1884. There are but three passenger and two freight trains each way daily. The highway grade warning signs were not found in general strong life or good condition; renewals are to be made with heavier material. Grass and brush have been cut and removed, though the track is somewhat overgrown between the rails. The property is strongly fenced in mostly with wire and posts, though some board fences were noted and all generally well maintained. The track is in good adjustment, and the sleeper life is good; few places were noted with unsound ties; they are close together and of fair cross section. Extra rails each mile were noted stored in case of accident. A few stub switches were noted, but these are fast being replaced with the safety pattern. More attention should be given to the cattle guards. Slat were noted missing too often. Not a little ditching is needed, though your inspector was assured by the division road master this work would soon be accomplished for the year. The passenger stations generally are in good condition, neat and clean. The Cazenovia station was moved to a better location, and greatly repaired and remodeled last year. Websters station was burned down last spring. Some 15,000 cedar ties will be placed this year. Bridge No. 4 is ten-foot opening, stringers, pine, two, eight by sixteen inches, put in last year. No. 5 is eight feet over creek, two, eight by sixteen inches, pine; good floor. No. 6, eight-foot opening, needs new deck, stringers are two, eight by sixteen inches under each rail. No. 12 is over the Erie canal, though riveted and needs new floor; is 123-foot span; also needs paint. No. 14 is an eight-foot opening; should be renewed entirely. No. 15 should also be renewed; is four span. No. 16, wooden stringers, and all new recently. The masonry of not a few of the minor structures was noted composed of small stone needing renewal and repairs. The tunnel near Cazenovia is 1,606 feet long, is on a seventy-foot grade, has sixteen-foot head room, and, as far as could be seen, was in good, safe condition. Watchmen

are employed, and constant attention given it. Few of the wooden stringers are over five years old. No. 23 is an eight-foot span, with bran new stringers, two, eight by sixteen inches, under each rail. No. 26 is over Chittenango creek; deck riveted, sixty-seven-foot span, and has new floor just completed. Masonry was found in good condition. There are a large number of small openings, particularly upon the Earlville end. Darkness prevented as close an examination as was desired. Near Earlville, though many new floors were noted, and assurances were given by the officials that renewals and repairs had been recently made in stringers, lagging and masonry. The bridge seats should be kept clean and free from cinders and dirt, and sills should not be covered, particularly where moisture and dryness alternate. This branch will average well with the other roads in the State. An effort should be made to lessen the number of small openings in the roadbed.

MINUTES OF THE BOARD.

REPORTED IN PURSUANCE OF SECTION 166 OF THE RAILROAD LAW.

[For the treatment of complaints against corporations coming under the supervision of the Board, the following method of procedure has been adopted: Upon receipt of a complaint a copy of the letter of the complainant is at once forwarded to the officers of the corporation against which complaint is made, with the request to answer within ten days. Reply to the complaint is then transmitted to the complainant, and if the matter is not satisfactorily adjusted by correspondence, a public hearing is had before the Board and such order made as the evidence then adduced seems to warrant.]

ALBANY, NOVEMBER 27, 1898.

The Board met pursuant to adjournment. All present.
Minutes of last meeting read and approved.

Complaints.

Christina Woehr v. The West Shore and Walkill Valley Railroad Companies, alleging obstruction to property in the city of Kingston. F. L. Westbrook appeared for the railroad companies, and there being no appearance on the part of the complainant, the hearing was ordered held open until three o'clock. At that hour, the complainant failing to appear, the complaint was ordered dismissed.

William H. Fish v. The New York Central and Hudson River Railroad Company, alleging overcharge for freight on the Harlem division. A letter was received from Nathan Guilford, general traffic manager, stating if facts were as Mr. Fish represented, he had been overcharged, and upon presentation of proof the matter would be adjusted. Letter ordered transmitted to Mr. Fish.

Nickerson & Church v. The Delaware and Hudson Canal Company. A. D. Wales, representing the complainants, asked for subpoena and copies. Ordered, that same be sent with the information that subpoenas must be served at the expense of the complainant.

Stephen C. Van Wyck v. The Philadelphia, Reading and New England Railroad Company, alleging insufficient station accommodations at Fishkill Plains. J. K. O. Sherwood, receiver, answered that a new depot had been erected and was ready for use. Letter ordered transmitted to Mr. Van Wyck and case closed.

Citizens of the towns of Mentz, Montezuma and Conquest, alleging dangerous highway crossing on the West Shore railroad. A report was made by Commissioner Rickard, who had inspected the alleged dangerous crossing, and in accordance therewith it was ordered, that the local authorities and the railroad company remove shrubbery and trees obstructing the view approaching the track, and that a long blast of the whistle be sounded by engineers going east when at High Bridge.

Orders.

In the matter of the application of the Ossining Street Railroad Company at Sing Sing, for permission to operate by electricity. Ordered, permission granted with the usual conditions.

In the matter of the application of the Albany Railway Company, for permission to abandon so much of its Pearl street line as lies north of Clinton avenue. Ordered, that the application be denied, with the recommendation that the company continue to give the public service equal at least to that now afforded.

In the matter of the application of the Boston and Albany Railroad Company, to be relieved from "full stop and crossing on signal" over the tracks of the New York Central Railroad Company. Commissioner Rickard, who had inspected the crossing, reported in favor of locating home and distance signals and regulating the speed of trains at the point in question, and it was so ordered.

Miscellaneous.

Letter of D. W. Caldwell, president New York Central and St. Louis railroad, relative to inspection report. Ordered filed.

Letter of the New Hamburg and Poughkeepsie Connecting Railroad Company, asking for copies of the proceedings under section 59 of the Railroad Law. Ordered, papers sent and statutory fees charged therefor.

Letter of A. D. Thompson, asking for copy of the report of the Board on bridge strains. Ordered filed.

Letter of William Allen, relative to trusts, monopolies and railroad agreements. Ordered filed and answer made by the Secretary.

Letter of Bernard C. Feeney, of Sing Sing, asking if there is a law forbidding the running of trolley cars without a conductor. Ordered, answer transmitted that while there is no law on the subject, the Board invariably imposes such a restriction in granting consents to operate by the trolley system as a condition precedent.

Resignations of William C. Hudson as Secretary, and of E. B. Hastings as accountant, were presented, to take effect January 1, 1894. Ordered filed.

At the request of the Chairman, Commissioner Chapin was called to the chair, Commissioner Rickard acting as Secretary.

Commissioner Beardsley moved that the resignation of William C. Hudson as Secretary, and E. B. Hastings as accountant, be accepted. The motion was adopted.

It was moved and seconded that John D. McMahon be appointed Secretary, to take effect January 1, 1894, and to serve during the pleasure of the Board. Adopted.

It was moved and seconded that Charles R. De Freest be appointed accountant, to take effect January 1, 1894, and to serve during the pleasure of the Board. Adopted.

The Board then adjourned to December fourth, at 2 P. M.

ALBANY, DECEMBER 4, 1893.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

Jonathan Head v. The Poughkeepsie and Eastern Railroad Company, relative to fences. N. H. Sheldon, general superintendent, replied that the fences had been rebuilt. Reply ordered transmitted to the complainant.

F. Friedelben v. The New York Central and Hudson River Railroad Company, relative to a station at Washingtonville. H. W. Webb, third vice-president, replied that steps had been taken to erect a small station at Washingtonville. Reply ordered transmitted to the complainant.

Residents of the town of Mentz v. The West Shore Railroad Company. J. D. Layng, general manager of the West Shore, notified the Board that the company would comply with its recommendations relative to the highway crossing in the town of Mentz. Copy of letter ordered transmitted to the complainants.

William H. Fish, relative to overcharge for freight on the Harlem division of the New York Central and Hudson River railroad. Letter was received from Mr. Fish acknowledging receipt of amount of overcharge. Ordered filed.

Rudolph Kraft v. The Staten Island Rapid Transit Company. Reply received from J. F. Emmons, president. Ordered transmitted to the complainant.

Nickerson & Church v. The Delaware and Hudson Canal Company. A telegram was received from A. D. Wales, representing the complainants, asking for postponement of a hearing at Binghamton. Request granted, provided satisfactory arrangements are made with the company.

Residents of Fuller's Station and other stations on the West Shore railroad, complained relative to train service. Complaint ordered transmitted to the company.

Miscellaneous.

Application of the Ithaca Street Railroad Company for permission to increase capital stock from \$175,000 to \$250,000. Letter ordered written informing company of the requirements of the Board relative to increase of capital stock.

Letter of M. T. Nyeboe, asking for copy of report on bridge strains. Placed on file.

Letter of Railroad Commissioners of the State of Michigan, inclosing reports on the Battle Creek and other railroad disasters in that State. Ordered acknowledged and filed.

Letter of W. A. K. Bogardus, asking information relative to reports of accidents. Secretary instructed to reply.

Notice to the Board of application to the Supreme Court by the New Hamburg and Poughkeepsie Connecting railroad for an order directing the State Board of Railroad Commissioners to issue a certificate to said company under section 59 of the Railroad Law. Papers ordered transmitted to the Attorney-General.

The Board adjourned to December eleventh, at 2 P. M.

ALBANY, DECEMBER 11, 1898.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

J. H. Miller v. The Philadelphia, Reading and New England Railroad Company, relative to obstructions to highway crossings. Letter of the complainant stating that the cause of complaint had been removed.

F. W. Prentice v. The Lehigh Valley Railroad Company, relative to the employment of incompetent engineers. Answer of E. P. Wilbur, president, stating that the alleged incompetent men had been discharged. Ordered transmitted to the complainant.

Rudolph Kraft v. The Staten Island Rapid Transit Railroad Company, relative to accident resulting from alleged carelessness. Answer of J. F. Emmons, president, denying allegations. Ordered transmitted to the complainant.

James H. Wright v. The Philadelphia, Reading and New England Railroad Company, relative to fences. Letter from Mr. Wright stating the fences had been repaired. Ordered filed.

A. L. Tompkins, attorney, transmitting petition of residents of New City, Rockland county, asking for additional train service on the New Jersey and New York Railroad Company. Complaint ordered transmitted to the company.

Orders.

In the matter of the petition of the Broadway Ferry and Metropolitan Avenue Railroad Company of Brooklyn for permission to operate such road by the trolley system. A letter was received from Thomas Moore, attorney, inclosing certificate of the consent and approval of the local authorities, whereupon it was ordered that the application be approved, subject to the usual restrictions and conditions.

In the matter of the application of the Ithaca Street Railroad Company for an increase of its capital stock from \$175,000 to \$250,000, all the necessary papers having been filed. It was ordered that the certificate be indorsed with the approval of the Board.

Miscellaneous.

Letter of the *Street Railway Gazette* asking for information relative to street railroads. Ordered, that desired information be furnished and that a copy of the last annual report be forwarded.

Letter of W. H. Barnes, general manager Boston and Albany Railroad Company, asking for modification of the order relative to the location of the home signal at East Albany. Answered that the original order was in accordance with the rule adopted by the Board.

Letter of Rudolph Kraft asking if the law permits flying switches to be made on railroads. Answered that there is no law on the subject.

Letter of N. M. Claffin, of Norwood, relative to the use of alleged dangerous deadwoods on freight cars. Answered that there is no law on the subject, but the Board has taken position against their use.

Letter of George L. Carlisle relative to decision of the Board in the matter of fifty-trip tickets on the New York, New Haven and Hartford railroad. Answered that the decision had been transmitted to the counsel of the complainants.

Letter of Benjamin Hammond, president of the village of Fishkill Landing, relative to occasional non-operation of the electric railroad in that village. Answered that if the road is not complying with the terms of its charter the Attorney-General should be asked to begin proceedings to annul the charter.

The Board then adjourned until December eighteenth, at 2 P. M.

ALBANY, DECEMBER 18, 1898.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

Residents of New City v. The New Jersey and New York Railroad Company. The answer of the company was received and ordered transmitted to the attorney for the complainants.

Residents of Fuller's Station v. The West Shore Railroad Company. The answer of the company by J. D. Layng, general manager, stating that a change in train service would be made to accommodate the complainants. A communication from Hon. J. H. Clute, in the above case, was presented and ordered placed on file.

Change of Motive Power.

In the matter of the application of the Ossining Street Railroad Company for permission to use the trolley system. A certificate of the assessors as to the value of property; consents obtained by the company having been presented by Frank L. Young for the company, and the evidence required by the Board being complete, it was ordered that the application be granted with the usual restrictions and conditions.

Miscellaneous.

Several letters were presented asking information relative to the prize offered by the Metropolitan Traction Company, to which the Secretary was directed to reply, giving the information requested.

Articles of the consolidation of the Metropolitan Street Railway Company of New York City were received and ordered placed on file.

Letters of Henry C. Vilas, accepting the conditions imposed upon the Port Richmond and Prohibition Park Electric railroad, in the order permitting the use of the trolley. Ordered filed.

Letter of Frederick Allis, asking information relative to decisions of the Board since publication of annual report for 1892. The Secretary was directed to furnish the desired information.

The Board then adjourned to meet at the Hoffman House, New York city, on December twenty-eighth, at 11 A. M.

NEW YORK CITY, DECEMBER 28, 1893.

The Board met pursuant to adjournment. All present.
The minutes of the last regular meeting were read and approved.

Complaints.

Residents of Fuller's Station v. The West Shore Railroad Company, relative to train service. A letter was received stating that the new time table was entirely satisfactory and the case was ordered closed.

Residents of New City v. The New Jersey and New York Railroad Company. The reply of the complainants to the answer of the company was received and placed on file and the parties were ordered notified that a hearing could be had before the Board on January second, if desired.

Nickerson & Church v. The Delaware and Hudson Canal Company, relative to milk rates. Letters were received fixing a hearing at Binghamton for March 6, 1894, with the privilege of also having a hearing at Albany if desired.

Uriah Harper v. The New York, Lake Erie and Western Railroad Company, relative to farm fences. The answer of the company was received and ordered transmitted to the complainant.

Standard Butter Company, of Owego, N. Y., v. The Delaware, Lackawanna and Western Railroad Company, alleging discrimination in freight rates. Ordered transmitted to the railroad company.

Miscellaneous.

Letter of William Finley, superintendent of the Sea View Elevated railroad, asking that an inspection of the road be made. So ordered.

Letter of New York, Ontario and Western railroad, transmitting plans of bridges rebuilt on that road during 1893. Ordered filed.

Letter of the Saranac and Lake Placid Railroad Company, asking to be relieved from filing quarterly reports excepting for the quarter ending December thirtieth in each year, for the reason that the principal operation of the company is during the summer. Request ordered granted.

Letter of Howard C. Wiggins asking relative to condemnation of bridge on the New York, Ontario and Western railroad, crossing the Chenango river near Eastville. Answered that the bridge had not been condemned, and that it appeared from the report of the company, for 1893, that a bridge at this point had been rebuilt during the year.

Letter of John D. Crimmins, representing the Metropolitan Traction Company, asking for a conference in the matter of the prize of \$50,000 offered by the company for improved system of motive power for street surface railroads. The request for a conference was granted and Messrs. William C. Whitney and John D. Crimmins subsequently appeared before the Board. After a conference it was decided by the members of the Board that some legislative authority would be necessary before the Board could accept the proposition of the Traction Company in the awarding of the prize and the conference was terminated with the understanding that the Board would bring the matter to the attention of the Legislature.

A statement of the financial condition of the Board was presented and referred to the Secretary.

On motion,

Resolved, That Eugene B. Hastings, the present accountant, whose services as such are to terminate on December thirty-first, be given leave of absence without pay until April 1, 1894, and that the question of his further employment be left to the Chairman.

Adopted.

On motion,

Resolved, That the former action of the Board appointing John D. McMahon, Secretary, and Charles R. DeFreest, accountant, to take effect January 1, 1894, be rescinded.

Adopted.

On motion,

Resolved, That Charles R. DeFreest be and is hereby appointed Secretary to the Board, to take effect January 1, 1894, he to hold office at the pleasure of the Board.

Adopted.

On motion,

Resolved, That John D. McMahon be and is hereby appointed accountant to the Board, to take effect January 1, 1894, he to hold office during the pleasure of the Board.

Adopted.

On motion,

Resolved, That George L. Lewis be and is hereby appointed law clerk to the Board, he having been certified to the Board by the Civil Service Commission.

Adopted.

On motion,

Resolved, That P. J. Doyle be temporarily appointed proof reader to the Board, and that application be made to the Civil Service Commission for his examination for permanent appointment.

Adopted.

The Board then adjourned until January second, at 2 P. M.

ALBANY, JANUARY 2, 1894.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

Uriah Harper relative to the condition of fences along his land on the line of the New York, Lake Erie and Western railroad. A letter was presented from Mr. Harper stating that the reply of the company was satisfactory and the case was ordered closed.

A letter was presented from George M. Falkner relative to the condition of the fences along the line of the Philadelphia, Reading and New England railroad and the Poughkeepsie and Eastern railroad. Ordered filed.

Change of Motive Power.

In the matter of the application of the Nassau Electric and the Coney Island, Fort Hamilton and Brooklyn railroads for permission to use electricity as a motive power. Fred C. Cochen appeared for the applicants and presented affidavits of property-owners consenting to the use of the proposed motive power. Whereupon it was ordered that the consent of the Board to the use of electricity as a motive power on the roads named, be granted, with the usual restrictions and conditions.

Miscellaneous.

Letter of Byron W. Anderson asking what steps are necessary to be taken to form an electric railroad company. Ordered, that the Secretary furnish the desired information.

Letter of G. M. Ingalsbe making application for increase of capital stock of the Glens Falls, Sandy Hill and Fort Edward Railroad Company. Ordered, that the Secretary notify Mr. Ingalsbe of the steps necessary to be taken to secure the Board's approval of such increase.

The Secretary was directed to examine the fee book and ascertain the condition of the fund.

Then, on motion, the Board adjourned to meet in Albany, on January 8, 1894, at 2 P. M.

ALBANY, JANUARY 8, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Nickerson & Church v. The Delaware and Hudson Canal Company relative to alleged discrimination against milk shippers. A letter from Lewis E. Carr, counsel for the Delaware and Hudson Canal Company, was received consenting to a postponement of the hearing in the case to March sixth, at Binghamton.

Residents of New City v. The New Jersey and New York Railroad Company relative to insufficient train accommodations. Letter of Arthur L. Tompkins, attorney for the complainants, was received asking for a hearing, and it was ordered that a hearing be set down for Tuesday, January sixteenth, at 2 P. M.

Charles S. May & Co. and others v. The Schoharie Valley Railroad Company relative to rates on hops. It was ordered that the complaint be dismissed and the decision placed on file.

J. L. Mott v. The Delaware and Hudson Canal Company relative to station at Douglass, and the complaint of Joseph P. Higgins v. The Brooklyn and Brighton Beach Railroad Company relative to a crossing in Flatbush. Ordered, that the papers in each case be sent to the inspector, with instructions to make an inspection of the locality and report to the Board.

Miscellaneous.

Hon. James Shannahan and Hon. J. S. Hees appeared before the Board and asked if it was necessary to secure the Board's approval of a lease of a street railroad to a parallel steam railroad, under section 80 of the Railroad Law. They were informed that in the opinion of the Board it was not.

S. G. DeCoursey, receiver of the Western New York and Pennsylvania Railroad Company, acknowledged the receipt of the reports of the inspector relative to the condition of the road and the cause of the accident on one of the trestles, and stated that immediate steps would be taken to put the road in proper condition. Commissioner Rickard submitted a report in the matter of the above accident, which occurred three miles from Dunkirk, on December fifteenth, which report was adopted and ordered promulgated.

Ordered, that a report be made to the Legislature relative to the proposition of the Metropolitan Traction Company offering a prize of \$50,000 for an improved method of traction.

The Secretary submitted a statement of the financial condition of the department.

Adjourned until Tuesday, January sixteenth, at 2 P. M.

ALBANY, JANUARY 16, 1894.

The Board met pursuant to adjournment. Present—Commissioners Beardsley and Rickard.

The minutes of the last meeting were read and approved.

Complaints.

Standard Butter Company, of Owego, v. The Delaware, Lackawanna and Western Railroad Company alleging discrimination in freight charges. The railroad company answered that the cause of complaint had been removed, and the letter was ordered transmitted to the complainant.

Frank S. Gardner v. The New York, Lake Erie and Western Railroad Company relative to a dangerous crossing at Mountainville Station. Ordered, that the inspector be notified to make an inspection of the crossing, and a letter to that effect was transmitted to the complainant.

Hearings.

The Board heard Chase & Jennings, counsel for the South Cairo and East Durham Railroad Company, in the matter of the application of said company

for a reduction of capital stock from \$100,000 to \$80,000. Ordered application approved.

The Board heard Hon. C. M. Depew, president New York Central and Hudson River Railroad Company, and Ashbel Green, counsel for the New York and Putnam Railroad Company, in the matter of the application of the New York Central and Hudson River Railroad Company for approval of its lease of the New York and Putnam railroad. The hearing was adjourned until January eighteenth, at New York city, and the Secretary was directed to notify persons opposed to said lease.

The Board heard Frank Rumsey, counsel, and F. D. McCreary, chief engineer of the Western New York and Pennsylvania Railroad Company, relative to the report of special inspection of the portion of said railroad in New York State. Ordered, that the hearing be adjourned until after the next inspection of the road by the inspector.

The Board heard General Manager J. D. Hasbrouck, of the New Jersey and New York Railroad Company, in the matter of the complaint of residents of New City and vicinity, requesting additional train service. There being no appearance on the part of the complainants, the complaint was dismissed.

Orders.

In the matter of the application of the White Plains Railroad Company for a certificate under section 59 of the Railroad Law. Ordered, that the application be denied.

In the matter of the Fulton Elevated Railroad Company for approval of an increase of capital stock from \$300,000 to \$1,500,000. Ordered, that the application be laid aside for further consideration.

Miscellaneous.

Letter of William P. Ervins, relative to the destruction of his wagon by a West Shore railroad train at Weedsport. The Secretary was instructed to inform him that he should apply to the courts for relief.

Letter of Clarence C. Ferris, asking what, if any, proceedings had been taken before the Board by or on behalf of the New York and Long Island Bridge Company. The Secretary was instructed to reply that no application had been made by or on behalf of the said bridge company to this Board.

The Secretary submitted the result of his examination of the fee book as follows:

Hon. SAMUEL A. BEARDSLEY, *Chairman*:

DEAR SIR.—In compliance with instructions from the Board, I have made an examination of the accounts of the Board and of the books in the Treasurer's office in relation to the receipts of this Board for fees, and find as follows: That the total amount reported as having been received by the Treasurer since the organization of the Board is \$1,572.74; total amount appearing on the books of the Board, \$1,547.74, leaving an excess on the Treasurer's books of \$24.60, which may probably be accounted for by the omission in the past to credit all the fees received.

Very respectfully,

C. R. DEFREEST, *Secretary*.

Adjourned until 2 P. M., January eighteenth, at the Hoffman House, New York city.

NEW YORK, JANUARY 18, 1894.

The Board met pursuant to adjournment. All present.

Complaints.

L. H. Palmer, of Gloversville, complained against the Fonda, Johnstown and Gloversville Railroad Company, alleging failure to obtain facilities for a coal yard in Gloversville. Complaint ordered transmitted to the company.

Hearings.

In the matter of the application of the New York Central and Hudson River Railroad Company for approval of its lease of the New York and Putnam Railroad Company, the Board heard Hon. Chauncey M. Depew, president of the New York Central and Hudson River Railroad Company, and Ashbel Green, counsel of the New York and Putnam Railroad Company, in favor of the application, and Simon Sterne and A. H. Holmes, in opposition. Hearing adjourned until Tuesday, January twenty-third, at 11 A. M., at the rooms of the Chamber of Commerce, in New York city.

In the matter of the application of the Fulton Elevated Railroad Company for permission to increase its capital stock from \$300,000 to \$1,500,000, the Board heard Delos McCurdy, counsel for the company. Action deferred.

The Board adjourned until January twenty-third, at 11 A. M., at the Chamber of Commerce, New York city.

NEW YORK, JANUARY 23, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

In the matter of the complaint of the Standard Butter Company, of Owego, v. The Delaware, Lackawanna and Western Railroad Company, the answer of the complainants to the letter of the company was received and the case ordered closed.

Rochmond & James, of Hoosick, complained against the Fitchburg Railroad Company, alleging insufficient freight and passenger accommodations at Hoosick. Complaint ordered transmitted to the company.

William H. Dean complained against the Rome, Watertown and Ogdensburg Railroad Company, alleging that the fences separating his property from that of the company were in bad condition. Complaint ordered transmitted to the company.

Isaac G. Sands complained against the Philadelphia and Reading Railroad Company, alleging that the fences separating his property from that of the company were in bad condition. Complaint ordered transmitted to the company.

A. L. Davenport complained against the New York, New Haven and Hartford Railroad Company, alleging unlawful charges for parcels. The Secretary was directed to write Mr. Davenport for further information.

J. L. Mock and others v. The Delaware and Hudson Canal Company, as to station facilities at Douglass. The report of the inspector was received and ordered sent the company.

Hearings.

In the matter of the application of the New York Central and Hudson River Railroad Company, for approval of its lease of the New York and Putnam railroad, the Board heard the Hon. Chauncey M. Depew for the application and Simon Sterne in opposition. Decision reserved.

In the matter of the application of the Fulton Elevated Railroad Company, for approval of an increase of capital stock from \$300,000 to \$1,500,000, the Board heard Delos McCurdy for the application. Referred to Commissioner Chapin.

In the matter of the application of the West Side Railroad Company of Elmira, for an increase of capital stock from \$100,000 to \$300,000, the Board heard Boyd McDowell for the application. There being no appearance in opposition, the increase was ordered approved.

Adjourned until Monday, the twenty-ninth instant, at 2 P. M., at Albany.

ALBANY, JANUARY 29, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Post & Schwab, of North Java, complained against the Attica and Freedom Railroad Company, alleging its non-operation. Complaint ordered transmitted to the company.

Theodore W. Starbuck complained against the Brooklyn, Bath and West End Railroad Company, alleging a dangerous crossing at Blythebourne. Complaint ordered transmitted to the company.

L. N. Palmer v. The Fonda, Johnstown and Gloversville Railroad Company, relative to facilities for coal yard in Gloversville. The company replied that it had no yard at its disposal. Letter ordered transmitted to the complainant.

Frank S. Gardner v. The New York, Lake Erie and Western Railroad Company, alleging dangerous crossing at Mountainville station. The report and recommendations of the inspector were received and ordered transmitted to the company.

Orders.

In the matter of the application of the New York Central and Hudson River Railroad Company, for leave to lease the New York and Putnam railroad, under section 80 of the Railroad Law, a decision was rendered by the Board permitting the lease conditionally, and thereupon Mr. Ashbel Green, representing the New York and Putnam Railroad Company and the New York Central and Hudson River Railroad Company, presented an amended lease conforming to the requirements of the decision of the Board, and the consent to such amended lease was thereupon granted and ordered entered.

Application of the Ninth Avenue Railroad Company and the Metropolitan Street Railway Company, for consent to change the motive power on the portion of the Ninth Avenue railroad between Fifty-third and Sixty-fourth streets, New York city, from horses to cable. Ordered hearing set down for February thirteenth, 11 o'clock, at the Chamber of Commerce, New York city, and notice advertised.

The Board adjourned until February sixth, at 2 P. M.

The minutes of the last meeting were read and approved.

ALBANY, FEBRUARY 6, 1894.

The Board met pursuant to adjournment. All present.

Complaints.

Richmond & James v. The Fitchburg Railroad Company alleging insufficient station accommodations. The answer of the company denying the allegations was received and ordered transmitted to the complainants. — — —

Post & Schwab v. The Attica and Freedom Railroad Company, alleging non-operation of the road. The reply of the company was received stating that the road had practically ceased operations. Ordered transmitted to the complainants.

Theo. W. Starbuck v. The Atlantic Avenue Railroad Company of Brooklyn, Brooklyn, Bath and West End division, alleging dangerous crossing. The answer of the company was received to the effect that all possible precautions were now taken. Ordered transmitted to the complainant. — — —

W. N. Dean v. The Rome, Watertown and Ogdensburgh Railroad Company, relative to fences. The answer of the company was received stating that the matter had been adjusted and the complaint would be withdrawn. Ordered transmitted to the complainant.

Joseph P. Higgins v. The Brooklyn and Brighton Beach Railroad Company alleging dangerous crossing. The report of the inspector was presented and ordered sent to the complainant.

Hearings.

The Board heard Judge Countryman in the matter of the application of the Johnstown, Gloversville and Kingsboro Railroad Company for approval of its lease to the Fonda, Johnstown and Gloversville Railroad Company. The Board decided to ask the opinion of the Attorney-General as to whether the consent of the Board is necessary for the lease of a street surface road by a steam railroad corporation.

The Secretary submitted a number of letters from railroad companies in response to the invitation of the Board to attend a conference on the question of grade crossings, and the Board heard F. H. Van Vechten and W. J. Kelly, representing the Long Island Railroad Company; W. D. Uhl, representing the Fitchburg Railroad Company; J. S. Allen, representing the New York, Lake Erie and Western Railroad Company, and R. B. Adams, representing the Buffalo Grade Crossing Association. It was decided to have another conference on this subject in New York. Then, on motion, the Board adjourned until February thirteenth, 11 A. M., at the Chamber of Commerce, New York city.

NEW YORK, FEBRUARY 18, 1894

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Residents of Norwood v. The Ogdensburgh and Lake Champlain Railroad Company, alleging dangerous crossing. Letter of N. M. Clafin, representing the complainants, stating that no agreement had as yet been reached with the railroad company. Letter placed on file.

The Standard Butter Company, of Owego, v. The Delaware, Lackawanna and Western Railroad Company. Letter of the complainant was received acknowledging communication showing the cause of complaint had been removed and the case was ordered closed.

Hearings and Petitions.

In the matter of the application of the Ninth Avenue Railroad Company for approval of the Board of a change of motive power from horses to the cable system on Amsterdam avenue between Fifty-third and Sixty-fourth streets, Henry A. Robinson appeared for the railroads; there was no appearance in opposition. Mr. Robinson presented, in addition to papers already filed, the consents of property holders and decision was reserved.

Henry W. Wiggins appeared in behalf of the Middletown-Goshen Traction Company and made two applications; one to change motive power from horses to trolley system, and the other for leave to cross the tracks of the New York, Lake Erie and Western railroad at Middletown under chapter 289 of the Laws of 1893. Mr. Wiggins filed with the Board the consent of the local authorities in both cases, and in the case of the crossing of the Erie railroad tracks he filed a contract with the Erie company and the consent of such company. The contract with the Erie company provides for proper protection at the crossing. The application for leave to cross the tracks was granted and the order directed to be issued. The application for approval of a change of motive power was set down for hearing on the twenty-sixth inst. at Albany, at two o'clock, and notice of hearing ordered advertised.

An application was presented by William E. Robeson, division superintendent Boston and Albany railroad, for a modification of the order of the Board made November 27, 1893, approving of interlocking switch and signal apparatus at crossing of the Boston and Albany and New York Central and Hudson River railroad tracks in East Albany, asking for leave to keep the home signal at such crossing where it now stands. Application ordered granted and first order modified as per order issued.

In the matter of the application of the Fonda, Johnstown and Gloversville Railroad Company, for leave to lease the Johnstown, Gloversville and Kingsboro railroad, a letter of the Attorney-General was presented stating that in his opinion the consent of the Board was necessary. Thereupon the consent was granted conditioned upon the lessee, the Fonda, Johnstown and Gloversville Railroad Company, rendering at least as good service on the lessor road (the Johnstown, Gloversville and Kingsboro railroad) after the lease as was rendered before.

The Secretary submitted the petition of the Chazy Railroad Company for a certificate under section 59 of the Railroad Law. Ordered, hearing set down for February twentieth, 2 P. M., Albany, and notice of hearing advertised.

Then, upon motion, the Board adjourned until February twentieth, 2 P. M.

ALBANY, FEBRUARY 20, 1894.

The Board met pursuant to adjournment. Present: Commissioners Beard-ley and Rickard.

The minutes of the last meeting were read and approved.

Complaints.

Residents of Norwood v. The Ogdensburgh and Lake Champlain Railroad Company, relative to a dangerous crossing. Letter of Levi Hasbrouck, counsel for the company, was received stating a flagman would be placed at the crossing. Ordered transmitted to the complainants.

Theodore M. Starbuck and others v. The Brooklyn, Bath and West End Railroad Company, relative to placing a flagman at the junction of New Utrecht avenue and Cowenhoven's lane. A hearing was ordered set down for Friday, February twenty-third, at 2 P. M., at the New Utrecht town hall.

William Dean, of Carlton, v. The Rome, Watertown and Ogdensburgh Railroad Company, relative to barbed wire fence. Mr. Dean withdrew the complaint, and the case was ordered closed.

Frank S. Gardner v. The New York, Lake Erie and Western Railroad Company, relative to dangerous crossing near Mountainville. Letter from Mr. Gardner, asking copy of inspector's report. Ordered forwarded.

Isaac G. Sands v. The Philadelphia, Reading and New England Railroad Company, relative to fences. Letter of J. K. O. Sherwood, receiver, stating fences would be repaired. Ordered forwarded to the complainant.

Nickerson & Church v. The Delaware and Hudson Canal Company, relative to discrimination in freight rates. Letter from A. D. Wales, for complainants, relative to postponement of hearing.

Residents of Douglass v. The Delaware and Hudson Canal Company, relative to train facilities. Letter of the company stating certain trains would be stopped at Douglass. Case ordered closed.

Hon. C. W. Stapleton and others v. The New York, Ontario and Western Railroad Company. Complaint filed, relative to insufficient station accommodations, and ordered transmitted to the company.

Residents of the Village of Eastport v. The Long Island Railroad Company. Complaint filed, relative to obstructed crossing, and ordered transmitted to the company.

Orders and Petitions.

In the matter of the petition of the Metropolitan Street Railroad Company of New York city, for permission to change the motive power on the Ninth Avenue line, between Fifty-third and Sixty-fourth streets, from horses to cable. Order granted, with usual restrictions.

In the matter of the application of the Chazy Railroad Company, for a certificate under section 59 of the Railroad Law, John I. Platt appeared for the application, no one in opposition. The certificate was ordered granted upon the company filing proof of publication of the notice of hearing.

Then, on motion, the Board adjourned to meet at New Utrecht, Friday, February twenty-third, at 2 P. M.

BLYTHEBOURNE, FEBRUARY 28, 1894.

The Board met pursuant to adjournment. All present.

The Board gave a hearing in the matter of the complaint of the New Utrecht Democratic Club, the West Brooklyn Association and others v. The Brooklyn, Bath and West End Railroad Company, as to alleged dangerous crossing. James E. Dubois and others appeared for the complainants, and H. R. Newkirk for the company. The railroad company agreed to have their cars come to a full stop before passing the crossing complained of, either way. Hearing adjourned indefinitely, pending compliance by the road, with leave to complainants to renew at any time.

The Board adjourned until February twenty-sixth, 2 P. M.

ALBANY, FEBRUARY 26, 1894.

The Board met pursuant to adjournment. All present.

The minutes of the last meetings were approved as printed.

Complaints.

Hon. C. W. Stapleton and others v. The New York, Ontario and Western Railroad Company, relative to inadequate station accommodations at Randallsville. Reply of the company to complaint denying allegations. Ordered transmitted to complainants.

A. Lux v. The New York, New Haven and Hartford Railroad Company, relative to charges for parcels. The Secretary was directed to ascertain, if possible, the address of Mr. Lux.

Residents of Little Falls v. The New York Central and Hudson River Railroad Company, relative to dangerous crossings. Letter of J. D. Beckwith for the complainants, accepting date of hearing as fixed by the Board.

Change of Motive Power.

In the matter of the application of the Middletown-Goshen Traction Company for permission to use the electric trolley system as a motive power, proof of publication of notice of hearing before the Board on February 26, 1894, was filed and the application was ordered granted when the affidavit as to property-owners' consents and route of road were all presented.

The application of the Metropolitan Street Railroad Company and the Ninth and Sixth Avenue Railroad Companies for permission to use the cable system as a motive power on Fifty-third street, New York city, was presented. Ordered hearing set down for March fourteenth, 11 A. M., Chamber of Commerce, New York city.

Then, on motion, the Board adjourned until March seventh, 2 P. M.

ALBANY, MARCH 7, 1894.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

Residents of Eastport v. The Long Island Railroad Company, relative to alleged dangerous crossing. Answer of the Long Island Railroad Company denying allegations. Ordered forwarded to complainants.

Residents of Little Falls v. The New York Central and Hudson River Railroad Company, relative to alleged dangerous crossing. Ordered hearing set down at the president's office, in the Grand Central station, 8 P. M. Wednesday, March fourteenth.

Residents of Douglass v. The Delaware and Hudson Canal Company, relative to train accommodation. The offer of the company to stop trains at Douglass accepted by the complainants as satisfactory. Case ordered closed.

Residents of Hoosick v. The Fitchburg Railroad Company, alleging insufficient freight and passenger depot accommodations. The Board heard Legrand B. Tibbitts, W. F. Babcock and others for the complainants, and J. H. Morris and M. P. Snyder for the company, and adjourned the hearing to March nineteenth, 2:30 P. M., at Albany.

Miscellaneous.

Letter of John S. Schultze, transmitting strain sheets and plan of new bridge on the Newburgh, Dutchess and Connecticut railroad over Fishkill creek. Ordered filed.

The Board adjourned until Wednesday, March fourteenth, 11 A. M., Chamber of Commerce, New York city.

NEW YORK, MARCH 14, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Residents of the Village of Eastport v. The Long Island Railroad Company, alleging dangerous crossing. Ordered hearing set down for 2 P. M., March twenty-eighth, in the common council chamber, Brooklyn.

Residents of Albany v. The Delaware and Hudson Canal Company, alleging removal of the flagmen from dangerous crossings. Complaint transmitted to the company.

Hearings.

In the matter of the application of the Metropolitan Street Railway Company for permission to use cable in Fifty-third street, New York city, between Ninth and Sixth avenues, the Board heard H. A. Robinson, counsel for the company, and George O. Knott, William Harrison and T. J. Drummond, in opposition to the granting of the consent. The opposition was not to the use of the cable, but to the construction of the road, a matter over which the Board had no jurisdiction, permission having already been granted by the local authorities. Ordered, that consent to use cable power on that portion of the road be granted, with the usual restrictions.

In the matter of the application of the Brooklyn, Queens County and Suburban Railroad Company for the approval of the Board of the use of the trolley system on two routes of the company. Ordered hearing set down for March twenty-eighth, at the common council chamber in Brooklyn, and notice advertised.

Recess until 3 P. M., when the Board reassembled at the Grand Central Station and gave a hearing in the matter of the complaint of Residents of Little Falls v. The New York Central and Hudson River Railroad Company, alleging dangerous crossings. President Depew, General Manager Toucey and Second Vice-President Webb appeared for the company, and J. D. Beckwith, Hon. Titus Sheard and others for the complainants. An agreement was reached that the freight depot be removed from its present location and that a new passenger depot be erected, all improvements to be completed within a year.

The Board then adjourned until March nineteenth, 2 P. M.

ALBANY, MARCH 19, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Village of Hoosick v. The Fitchburg Railroad Company, alleging insufficient station accommodations. The Board heard T. J. Hamilton, M. P. Snyder and A. J. Cheever for the company, and A. H. Hawkes, E. A. Richmond and M.

W. Gower for the complainants. The inspector was ordered to inspect the locality and make a report. Further action was deferred until the report should be submitted.

Residents of Albany v. The Delaware and Hudson Canal Company relative to the withdrawal of flagmen from certain dangerous crossings. Letter was received from the company stating that the flagmen would be replaced at once. Ordered transmitted to the complainants.

Hon. C. W. Stapleton v. The New York, Ontario and Western Railway Company, relative to insufficient station accommodations at Randallville. Letter received from the company denying allegations of the complainant, and a hearing in the case was set down for March twenty-seventh, at 2 P. M.

Applications.

Of the Brooklyn City Railroad Company for permission to cross the Long Island railroad at Fresh Pond road. Ordered hearing set down for March twenty-eighth, 2 P. M., at the common council chamber, in Brooklyn.

Of the Cortland and Homer Horse Railroad Company, for approval of change of name to the Cortland and Homer Railroad Company. Ordered approved and a paper in which to publish notice designated.

The Secretary submitted replies to the circular of the Board relative to the Grade Crossing bill.

The Board adjourned until March twenty-seventh, at 2 P. M.

The minutes of the last meeting were read and approved.

ALBANY, MARCH 27, 1894.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

Hon. C. W. Stapleton and others v. The New York, Ontario and Western Railway Company, alleging insufficient passenger station accommodation at Randallville. The Board heard C. W. Stapleton and others, and the report of the inspector was submitted, confirming the allegations of the complaint. There was no appearance on the part of the company. Decision was reserved.

Applications.

Of the Niagara Falls, Whirlpool and Northern Railroad Company, for permission to use the electric trolley as a motive power. Hearing ordered set down for Monday, April sixteenth, 2:30 P. M., at the Capitol, Albany.

The Board adjourned until March twenty-eight, 2 P. M., common council chamber, Brooklyn.

BROOKLYN, MARCH 28, 1894.

The Board met pursuant to adjournment. All present.

Complaints.

Residents of Eastport v. The Long Island Railroad Company, alleging dangerous crossing. The Board heard E. W. Penney for the complainants, and W. J. Kelly for the company. The complainants were requested to send affidavits to the Board as to the number of persons and vehicles using the crossing, and the inspector was ordered to make an inspection of the crossing.

C. W. Stapleton v. The New York, Ontario and Western Railway Company, alleging insufficient passenger station accommodations at Randallville. The Board recommended that the company alter and repair its passenger station at Randallville so as to afford adequate accommodations for the traveling public, and that separate closets be furnished for men and women.

Change of Motive Power.

In the matter of the application of the Brooklyn, Queens County and Suburban Railroad Company, for approval of a change of motive power from horses to the trolley system. The Board heard T. S. Moore, counsel for the company. No one appearing in opposition, it was ordered that the application be granted.

Miscellaneous.

In the matter of the application of the Brooklyn, Queens County and Suburban Railroad Company, for approval of the use of the trolley system on a new route, the Board heard T. S. Moore, counsel for the company. No one appearing in opposition, the application was ordered granted.

In the matter of the application of the Brooklyn City Railroad Company, for leave to cross the tracks of the Long Island Railroad Company at Fresh Pond road, the Board heard S. S. Whitehouse for the applicant, and W. J. Kelly for the Long Island Railroad Company, in opposition. The Board decided to inspect the crossing Thursday, March twenty-ninth.

Adjourned until 2 P. M., March thirtieth, at the Chamber of Commerce, New York city.

NEW YORK, MARCH 30, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Hearings.

The Board heard W. J. Kelly, for the Long Island Railroad Company; J. M. Toucey and Frank Loomis, for the New York Central and Hudson River Railroad Company; W. E. Hoyt, for the Buffalo, Rochester and Pittsburg Railroad Company; J. S. Allen, for the New York, Lake Erie and Western Railroad Company; W. E. Barnett, for the New York, New Haven and Hartford Railroad Company; and R. D. McCreary, for the Western New York and Pennsylvania Railroad Company, on the proposed Grade Crossing bill.

Miscellaneous.

In the matter of the application of the Middletown-Goshen Railroad Company, for approval of the Board of an increase of capital stock. Ordered approved.

In the matter of the application of the Metropolitan Street Railway Company for a change of motive power, from horses to cable, on that portion of its railroad on Lexington avenue, between Thirty-fifth and Forty-second streets. Ordered, that a hearing be set down for April seventeenth at 11 A. M., at the Chamber of Commerce, New York city.

Petitions were received from the receivers of the New York, Lake Erie and Western Railroad Company for exemption under the provisions of chapters 548 and 544 of the Laws of 1893, which require the equipment of twenty per cent. of freight cars with automatic couplers and ten per cent. of freight cars with automatic brakes respectively each year.

In the matter of the application of the Brooklyn City Railroad Company, for leave to cross the tracks of the Long Island Railroad Company at Fresh Pond road, the inspector was ordered to inspect the crossing and report to the Board.

Adjourned until 2 P. M., April second, at Albany.

ALBANY, APRIL 2, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

G. M. Tremaine v. The Lake Shore and Michigan Southern Railroad Company, relative to condition of a culvert near Brocton. The answer of the company was ordered sent complainant.

Change of Motive Power.

In the matter of the application of the Newburgh Electric Railway Company, for the approval of the Board of a change of motive power from horses to the electrical trolley system, it was ordered that a hearing be set down for 11 A. M. on April seventeenth, at the Chamber of Commerce, New York city.

Application for Exemption.

In the matter of the application of the New York, Lake Erie and Western Railroad Company for exemption under the provisions of chapters 548 and 544 of the Laws of 1898, which require the equipment of twenty per cent. of freight cars with automatic couplers, and ten per cent. of freight cars with automatic brakes respectively each year, it was ordered that such application be granted.

Adjourned until 2 P. M., April eleventh.

ALBANY, APRIL 11, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the previous meeting were read and approved.

Complaints.

B. W. Roscoe and Perry, Candee & Co., of Syracuse, v. New York Central and Hudson River Railroad Company, alleging discrimination in railroad freight rates. Ordered, that letters of complainants be forwarded to company.

Hearings.

In the matter of the crossing of Fresh Pond road, the Board heard D. F. Lewis and S. S. Whitehouse for the Brooklyn City Railroad Company, and W. J. Kelly for the Long Island Railroad Company. The report of the inspector was submitted.

Miscellaneous.

In the matter of the application of the Port Jervis and Suburban Street Railroad Company for an increase of capital stock. Ordered, that the papers presented to the Board seem to be informal and insufficient, and that the company furnish the Board a verified petition setting forth the original cost of the road, its length, the length of the proposed extension, and whether or not bonds have been issued.

The report of the inspector as to the crossing on the Long Island railroad at Eastport, was submitted.

The report of the inspector in the Hoosick station complaint was submitted. Ordered, that the report be adopted, and that an order be issued compelling the company to build a suitable station at that point.

Adjourned until 2 P. M., April sixteenth.

ALBANY, APRIL 16, 1894.

The Board met pursuant to adjournment. Present: Commissioners Beardsley and Rickard.

The minutes of the last meeting were read and approved.

Hearing Postponed.

The hearing in the matter of the application of the Niagara Falls, Whirlpool and Northern Railroad Company for leave to use the overhead trolley system as a motive power, was postponed until 2 P. M., April twenty-third, at Albany.

Adjourned until April seventeenth, at 11 A. M., at Chamber of Commerce, New York city.

NEW YORK, APRIL 17, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Change of Motive Power.

In the matter of the application of the Metropolitan Street Railway Company for a change of motive power to the cable system on Lexington avenue, between Thirty-fifth and Forty-second streets, the Board heard H. A. Robinson, counsel for the company. No one appeared in opposition. Ordered, that said application be granted.

In the matter of the application of the Newburgh Electric Railway Company for a change of motive power to the overhead electrical trolley system, and for its use on extensions of such road, the Board heard G. R. Masten, counsel for the company. Ordered, that the application be granted.

Adjourned until 2 P. M., April twenty-third, at Albany.

ALBANY, APRIL 28, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the previous meeting were read and approved.

Complaints.

John Whalen and others v. The Delaware and Hudson Canal Company, alleging the obstruction of Erie street in Albany. Copy of complaint ordered sent company.

In the matter of the complaint of G. M. Tremaine v. The Lake Shore and Michigan Southern Railway Company, alleging unsafe arch at Brocton, the company replied that there was nothing in the condition of the masonry to warrant the complaint, as the master mason states that the arch is in as good condition as it was fifteen years ago. Ordered, that the answer of the company be forwarded to the complainant.

Miscellaneous.

The hearing in the matter of the application of the Niagara Falls, Whirlpool and Northern Railroad Company for approval of the use of the trolley system, was postponed until the necessary proof of consents of property-owners are filed.

In the matter of the application of the Hoosick Railway Company for leave to use the trolley system as a motive power, it was ordered that a hearing be set down for 2:30 P. M., May seventh, at Albany.

In the matter of the application of the Hoosick Railway Company for leave to cross the tracks of the Fitchburg railroad, at grade, in the village of Hoosick Falls, it was ordered that a hearing be set down for May seventh, 2:30 P. M., at Albany, and that the Fitchburg Railroad Company be notified.

The application of the Fulton Elevated Railroad Company for an increase of capital stock was ordered granted.

The application of the residents of Eastport for a bridge over the tracks of the Long Island Railroad Company at Eastport was ordered denied.

Adjourned until 3 P. M., April twenty-fourth, at Binghamton.

BINGHAMTON, APRIL 24, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Hearing.

In the matter of the complaint of Messrs. Nickerson & Church v. The Delaware and Hudson Canal Company, alleging discrimination in freight rates, the Board heard A. D. Wales for the complainants; Lewis E. Carr appeared for the company.

Adjourned until April twenty-eighth, at Utica.

UTICA, APRIL 28, 1894.

The Board met pursuant to adjournment. Present: Commissioners Beardsley and Rickard.

The minutes of the previous meeting were read and approved.

The Board held an investigation of the accident occurring on the Rome, Watertown and Ogdensburgh railroad at Theresa Junction, April nineteenth. Adjourned until 2 P. M., April thirtieth, at Albany.

ALBANY, APRIL 30, 1894.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

B. W. Roscoe and another, of Syracuse, v. The New York Central and Hudson River Railroad Company, alleging discriminations in freight rates between Syracuse and Utica. Ordered, that the president of the road be notified that the Board desires to take up and dispose of this question; that if no answer is received a hearing will be had on said matter on May seventh, at the office of the Board at Albany, at 2 P. M.

E. W. Penney v. The Long Island Railroad Company, alleging that a flagman was necessary at a crossing in Eastport and praying that one be appointed. Ordered, that a copy of the letter be sent to the railroad company.

Miscellaneous.

In the matter of the application of the Fonda, Johnstown and Gloversville Railroad Company for approval of its lease of the Cayadutta electric railroad, the Board heard J. L. Hees. Ordered, that the lease be approved.

The Niagara Falls, Whirlpool and Northern Railroad Company having filed the proof required by the Board in the matter of its application for leave to use the overhead electrical trolley system on its railroad, such application was ordered approved.

In the matter of the petition of residents of Oneida, asking for an underground crossing on the New York Central and Hudson River railroad, at Lake street, in said village, the inspector of the Board submitted his report.

In the matter relative to a crossing of the Long Island railroad by the Brooklyn City railroad, at New Flushing avenue in the town of Newtown, letters were received from Austin Corbin, president, and W. J. Kelly, counsel for the Long Island Railroad Company, asking for another hearing. Ordered, that a hearing be had in the office of the Board, at Albany, at 2 P. M. on May seventh.

The Board adjourned until 2 P. M., May seventh.

ALBANY, MAY 7, 1894.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

John J. McMahon and others, of Albany, v. Delaware and Hudson Canal Company, alleging obstruction of Erie street by cars. The company agreed to raise the obstruction. Answer of company forwarded to complainants.

Uri Harper v. The New York, Lake Erie and Western Railroad Company, as to bad fencing. The company answered that the matter would be attended to. Answer of company ordered sent complainant.

B. W. Roscoe, of Syracuse, v. The New York Central and Hudson River Railroad Company, alleging discrimination in freight rates between Syracuse and Utica. Letter from company intimating that perhaps Mr. Roscoe might have been overcharged, and that if such was the case the same would be corrected. Answer ordered sent complainant.

Peter Candee & Co. v. The New York Central and Hudson River Railroad Company, alleging discrimination in freight rates. The company replied, explaining matter. Letter ordered forwarded complainants.

Petitions.

In the matter of the petition of residents of Eastport, asking for a flagman at a crossing, the company replied that the matter was under consideration and would be attended to. Ordered, that answer be forwarded to complainant.

In the matter of the petition of the Board of Trustees of Oneida v. The New York Central and Hudson River Railroad Company, relative to a change of grade crossing. Affidavit submitted and ordered forwarded to Mr. Depew.

The Board adjourned until 2 P. M., May fourteenth.

ALBANY, MAY 14, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

In the matter of the complaint of Uri Harper v. The New York, Lake Erie and Western Railroad Company, the company submitted letter. Ordered, letter be sent complainant.

Hearings.

In the matter of the application of the Hoosick Railway Company for permission to use the overhead electrical trolley system as a motive power, the Board heard George E. Green, counsel for the applicant. No one appeared in opposition. Ordered, that the application be granted.

In the matter of the application of the Hoosick Railway Company for leave to cross the tracks of the Fitchburg Railroad Company at grade, at River street, in Hoosick Falls, the Board heard George E. Green, for the applicant, in favor, and T. F. Hamilton, for the Fitchburg Railroad Company, in opposition, and examined witnesses. The inspector was ordered to make an inspection of the locality, and the hearing adjourned to 2 p. m., May twentieth.

Adjourned until 2 p. m., May twenty-eighth.

ALBANY, MAY 28, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Residents of Vernon v. The West Shore Railroad Company, asking for better train service. Ordered, complaint be submitted to company.

C. E. Sliter v. The New York, Lake Erie and Western Railroad Company, alleging poor fencing. Ordered, letter be sent company.

James B. Feed v. The New York, Lake Erie and Western Railroad Company, alleging that the company does not keep its station at Goshen open at night for certain trains. Complaint ordered sent company.

C. B. McNair v. The Danville and Mount Morris Railroad Company, alleging poor fencing. Ordered, that complaint be submitted to company.

B. K. White, of Stanfordville, v. The Poughkeepsie and Eastern Railroad Company, relative to the condition of a culvert and fences. The reply of the company to this complaint was ordered sent complainant.

T. W. Stevens, of Albany, v. The Lebanon Springs Railroad Company, alleging dangerous condition of road. Complaint sent company.

James E. Dubois v. The Brooklyn, Bath and West End Railroad Company, alleging that the company does not stop its cars at Cowenhoven's lane, at Blythebourne, as agreed by it some time ago. The reply of the company was received, stating that the agreement to stop the cars would be carried out. Ordered, that the reply of the company be sent to complainant.

Village of Oneida v. The New York Central and Hudson River Railroad Company, asking for an undercrossing at Lake street, in said village. The Board heard H. W. Cooley for the village, and Superintendents Van Etten and Harrington for the company. The hearing was adjourned until June fifth at 2 P. M., and the New York, Ontario and Western Railway Company ordered notified of the hearing, as the complaint also applied to it.

Miscellaneous.

In the matter of the application of the Broadway and Seventh Avenue Railroad Company, and the Metropolitan Street Railway Company, for the approval of the Board of the use of cable motive power upon a railroad connection in Lexington avenue and Twenty-third street, in the city of New York. Ordered, that a hearing be set down for 11 A. M., June nineteenth, at the Governor's room, City Hall, New York city, and that notice be advertised.

In the matter of the application of the Hoosick Railway Company, for leave to cross the tracks of the Fitchburg Railroad Company at grade, the Board heard G. E. Green for the applicant, and no one appearing for the Fitchburg Railroad Company at this hearing the application was granted.

Letters were submitted from the accountants of railroad companies of the State relative to the classification of expenditures in reports made by railroad companies, in the manner prescribed by the Interstate Commerce Commission.

Adjourned until 2 P. M., June fifth.

ALBANY, JUNE 5, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Village of Oneida v. The New York Central and Hudson River Railroad Company, and the New York, Ontario and Western Railway Company, relative to the Lake street crossing in said village. The Board heard H. W. Cooley for the village and E. Canfield for the New York, Ontario and Western Railway Company. The hearing was postponed until July third, pending an attempt of the New York, Ontario and Western Railway Company and the village authorities to come to an agreement as to placing the track of said company at a level with the track of the New York Central and Hudson River railroad.

B. W. Roscoe v. The New York Central and Hudson River Railroad Company, alleging discrimination in freight rates. The Board heard W. L. Kingman for the New York Central and Hudson River Railroad Company. Mr. Roscoe did not appear. The West Shore Railroad Company was ordered made a party in the complaint. So far as the New York Central and Hudson River railroad is concerned the matter was ordered closed.

T. W. Stevens, of Albany, v. The Lebanon Springs Railroad Company, alleging dangerous condition of said railroad. The answer of the receiver of the road was ordered sent complainant.

B. K. White v. The Poughkeepsie and Eastern Railway Company. Reply of Mr. White to answer of company. Ordered sent company.

Change of Motive Power.

In the matter of the application of the Coney Island and Brooklyn Railroad Company for leave to change motive power from horses to the overhead electrical trolley system, on a portion of its lines, it was ordered that a hearing be set down for 11 A. M., June nineteenth, at City Hall, New York city.

In answer to Messrs. Williams & Cowie, of Syracuse, asking whether dummy engines may be used on street surface railroads. Ordered, that in the judgment of the Board dummy engines is absolutely prohibited on street surface railroads by section 100 of the Railroad Law.

Bills Approved.

The following bills against the Board were approved: Hudson River Telephone Company, \$9.84; Western Union Telegraph Company, \$4.33; National Express Company, \$16.52.

Adjourned until 11 A. M., June nineteenth, at Governor's room, City Hall, New York city.

NEW YORK, JUNE 19, 1894.

The Board met pursuant to adjournment. Present: Commissioners Beardsley and Rickard.

The minutes of the last meeting were read and approved.

Complaints.

Marks Magley v. The Philadelphia, Reading and New England Railroad Company, alleging poor condition of fences. Complaint ordered sent company.

Dr. A. F. W. Reimer v. The Long Island Railroad Company, alleging defective water-closet accommodations at College Point. Complaint ordered sent company.

Answers to Complaints.

P. Hendrick v. The Lima and Honeoye Railroad Company, relative to a bridge in village of Lima. Company notified Board that matter had been amicably settled.

Residents of Vernon v. The West Shore Railroad Company, alleging insufficient train service. The company answered agreeing to improve the train service.

James B. Fred v. The New York, Lake Erie and Western Railroad Company, relating to keeping station open at Goshen. The company replied that there was no ground for the complaint, and that after diligent inquiry the complainant could not be found. Case ordered closed.

C. E. Sliter, of Union, v. The New York, Lake Erie and Western Railroad Company, alleging bad condition of fences. The company notified the Board that the fences would be repaired at once.

C. B. McNair v. The Danville and Mount Morris Railroad Company, alleging poor fencing. The company replied that repairs would be made immediately.

B. W. Roscoe, of Syracuse, v. The West Shore Railroad Company, relative to freight rates on fruits and vegetables. The company replied, requesting hearing. Ordered, that a hearing be granted at 2 P. M., June twenty-eighth, at Murray Hill Hotel, New York city.

T. W. Stevens v. The Lebanon Springs Railroad Company, alleging bad condition of road. The answer of the company to Mr. Stevens' complaint having been forwarded to him, he again replied. Ordered, that copy of his answer be sent company.

Hearings.

In the matter of the application of the Newburgh and Orange Lake Railroad Company for permission to use the overhead electrical trolley system as a motive power on its railroad, the Board heard W. D. Dickey, counsel of the company. No one appeared in opposition. Ordered, that consent be granted.

In the matter of the application of the Metropolitan Street Railway Company and the Broadway and Seventh Avenue Railroad Company for permis-

sion to use the cable system of motive power on Lexington avenue and Twenty-third street, in New York city, the Board heard Henry A. Robinson, attorney for the company. No one appeared in opposition.

Hearing Postponed.

In the matter of the application of the Coney Island and Brooklyn Railroad Company for permission to change its motive power on a portion of its railroad from horses to the overhead electrical trolley system, the hearing was postponed until June twenty-eighth, at 11 A. M., in common council chamber, Brooklyn.

The Board adjourned until 11 A. M., June twenty-eighth, in common council chamber, Brooklyn.

BROOKLYN, JUNE 28, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Charles B. Rogers v. The West Shore Railroad Company, asking for a flagman and gates at the Rutgers street crossing in Utica. The company promised that the gates would be erected. A letter from the complainant stated that the promise of the company was satisfactory.

J. W. Jenkins, of Vernon, v. The West Shore Railroad Company, alleging poor train service at Vernon. The company agreed to stop train No. 2 at that point, which was satisfactory to complainant.

Hearing.

In the matter of the application of the Coney Island and Brooklyn Railroad Company for a change of motive power from horses to the overhead electrical trolley system on a portion of its route, the Board heard William N. Dykman for the company. F. S. Angell, representing the corporation counsel of Brooklyn, appeared and asked for an adjournment. The hearing was adjourned until July fifth, 11 A. M., at the common council chamber, Brooklyn.

The Board took a recess until 2 P. M. at the Murray Hill Hotel, New York city.

NEW YORK, JUNE 28, 1894—2 P. M.

The Board reconvened at the Murray Hill Hotel.

Complaints.

Marks Magley v. The Philadelphia, Reading and New England Railroad Company, alleging bad condition of fences. The company replied that the fences would be repaired at once. Answer of company ordered sent complainant.

Hearing.

In the matter of the complaint of B. W. Roscoe and Perry, Candee & Co., fruit dealers of Syracuse, v. The West Shore Railroad Company, alleging discrimination in freight rates, the Board heard J. D. Layng and W. L. Kingman for the West Shore railroad, and J. C. Anderson for the New York, Ontario and Western railroad. E. S. Candee appeared for the complainants.

Adjourned until 11 A. M. July fifth, at common council chamber, Brooklyn.

BROOKLYN, JULY 5, 1894.

The Board met pursuant to adjournment. Present: Commissioners Rickard and Chapin.

The minutes of the last meeting were read and approved.

Complaints.

The Rossman Knitting Company v. The Kinderhook and Hudson Railroad Company, alleging intention to abandon the station at Rossman. The answer of the company to the complaint, agreeing to have the conductor deliver freight, was also submitted. Ordered, that the Secretary write the complainant asking if the proposition made by the company in its answer is satisfactory.

The Long Island Railroad Company v. The Coney Island and Brooklyn Electric Railroad Company, alleging the dangerous operation of the latter's road at the old Coney Island road grade crossing of the Long Island tracks. Ordered, that complaint be sent company.

Joseph Rosch, coroner of Wurtsboro, v. The New York, Ontario and Western Railway Company, alleging dangerous condition of tunnel on its line. Complaint ordered sent company.

Residents of the village of Champlain v. The Central Vermont and Delaware and Hudson Canal Company, alleging failure to make train connections at Rouse's Point. Complaint ordered sent company.

Trustees of village of Oneida v. The New York Central and Hudson River Railroad Company, alleging dangerous crossing on Lake street in said village. The company agreed to fix the crossing.

Hearing.

In the matter of the application of the Coney Island and Brooklyn Railroad Company for a change of motive power from horses to the overhead electrical trolley system on a portion of its route, the Board heard William N. Dykman for the applicant; F. S. Angell, representing the corporation counsel of Brooklyn and the Park Commissioner; Col. E. A. Lamb, representing a property-owner, and others appeared in opposition.

Miscellaneous.

In the matter of the application of The Western New York and Pennsylvania Railroad Company to be relieved temporarily from the obligation to equip its freight cars with automatic brakes and couplers, Samuel G. De Goursay, receiver, submitted an affidavit to the Board. Ordered carried on file.

The Board adjourned until 2 P. M., July seventeenth, at Albany.

ALBANY, JULY 17, 1894.

The Board met pursuant to adjournment. Present: Commissioners Beardsley and Rickard.

The minutes of the last meeting were read and approved.

Answers to Complaints.

Joseph Rosch v. The New York, Ontario and Western Railway Company, alleging dangerous condition of the Bloomingburgh tunnel on that railroad. The company denied the allegation. The complainant reiterated the complaint. Ordered, that the inspector make an inspection of the tunnel and report to the Board.

Residents of Champlain v. The Central Vermont and Delaware and Hudson Canal Company, alleging failure of trains to connect at Rouse's Point. The

company replied that an effort was being made to compromise the matter. Ordered, that reply of company be sent complainant.

Dr. Reimer v. The Long Island Railroad Company, relative to the station at College Point. The company notified the Board that there was no cause for the complaint. Ordered, that reply of company be sent complainant.

L. J. Rossman v. The Kinderhook and Hudson Railroad Company, relative to the abandonment of Rossman station. The complainant objected to the proposed arrangement of the company. Ordered filed.

Long Island Railroad Company v. The Coney Island and Brooklyn Railroad Company, relative to dangerous crossing. The company agreed to attend to the matter at once. Reply ordered sent complainant.

Application Granted.

In the matter of the application of The Western New York and Pennsylvania Railroad Company for temporary suspension of the laws relative to equipment of freight cars with automatic brakes and couplers. The application was ordered granted.

The Board adjourned until Tuesday, July twenty-fourth, at 2 P. M.

ALBANY, JULY 24, 1894.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

W. H. Dunn v. The Delaware and Hudson Canal Company, relative to the connection of its trains with those of the Central Vermont railroad at Rouse's Point. Reply of complainant to answer of company received and ordered that hearing be set down for 12 M., July thirtieth, at Albany.

W. J. Kelly, attorney for Long Island Railroad Company, v. Brooklyn City Railroad Company, relative to the proposed crossing of the Long Island railroad tracks at Flushing avenue. Copy of complainant's letter ordered sent the Brooklyn City Railroad Company, and a hearing set down for Tuesday, July thirty-first, at 11 A. M., in New York city.

Dr. A. F. W. Reimer v. The Long Island Railroad Company, alleging poor station facilities at College Point. The complainant replied to answer of the company. Ordered, that the inspector make an inspection of the station and report to the Board.

Communications.

Letter of Gilbert Turner, village clerk of Victor, relative to dangerous railroad crossings in that village. Ordered, that law on subject be explained to Mr. Turner.

Letter of R. H. Wilbur, general superintendent of the Lehigh Valley railroad, inclosing blue print of proposed highway crossing warning sign. Ordered, letter be sent to Mr. Wilbur informing him that the sign does not comply with the law of the State.

Letter of Charles A. Nimmo, general western passenger agent of the Fitchburg Railroad Company, stating that this company will build a new station at Hoosick, and speaking of alterations of the plan. Ordered, that company submit outline and sketch of the new plan for the consideration of the Board.

Orders.

In the matter of the application of the Utica Belt Line for an increase of capital stock from \$150,000 to \$300,000, the increase to be preferred stock. Ordered approved.

In the matter of the application of the Coney Island and Brooklyn Railroad Company for a change of motive power, on a portion of its route, to the electric trolley system. Ordered, approval of change be granted.

Application.

The Kinderhook and Hudson Railroad Company made application for leave to dispense with the services of an agent at Rossman's station. Ordered, hearing set down for 12 M., July thirtieth, and that Mr. Rossman be notified.

The Board adjourned until 12 M., July thirtieth.

ALBANY, JULY 30, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

Ulius Egbert v. The New York Central and Hudson River Railroad Company, as to a towerman at East Creek, Herkimer county. Ordered, copy be sent the company.

Minier Brothers, of Big Flats, v. The New York, Lake Erie and Western Railroad Company, alleging poor condition of the fences on their farm. Ordered, that copy be sent company.

Hearings.

In the matter of the complaint of residents of Champlain v. Delaware and Hudson Canal Company, as to train service at Rouse's Point, the Board heard C. D. Hammond, superintendent Delaware and Hudson Canal Company. A telegram was received from F. W. Baldwin, superintendent of the Central Vermont railroad, stating that he was unable to be present. Ordered, that the Board deems it inexpedient to make any change at this time in the summer schedule, but that when the September schedule is prepared arrangements must be made for better connection.

In the matter of the application of the Kinderhook and Hudson Railway Company, for permission to close the station at Rossman Station, the Board heard J. H. Brown, superintendent of the railroad, in favor of the application, and J. C. Hogeboom, representing Mr. Rossman, in opposition. Ordered, that the application must be made in regular form, and hearing before Board advertised.

Applications.

In the matter of the application of the Fort Plain and Richfield Springs Railroad Company, for an increase of capital stock. Ordered, that the company forward the Board an affidavit setting forth the extent of work that has already been done in connection with the proposed railroad, the amount of money expended, and a detailed statement of the purposes for which the increase of capital stock is desired.

The Board adjourned until 11 A. M., July thirty-first, at the Park Avenue Hotel, New York city.

NEW YORK, JULY 31, 1894.

The Board met at the Park Avenue Hotel pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Hearing.

In the matter of the complaint of the Long Island Railroad Company v. The Brooklyn City Railroad Company, as to the proposed crossing of the Long Island railroad tracks by the Brooklyn City railroad at Flushing avenue, the Board heard W. J. Kelly, counsel for the Long Island Railroad Company, and

S. S. Whitehouse, counsel for the Brooklyn City Railroad Company. Ordered, that the complaint be dismissed pending a decision in the matter by the Supreme Court.

The Board adjourned until August fourteenth, 12 M. at Albany.

ALBANY, AUGUST 14, 1894.

The Board met pursuant to adjournment. All present.

The minutes of the last meeting were read and approved.

Complaints.

The Long Island Railroad Company v. The Brooklyn City Railroad Company, relative to safeguards at the proposed crossing at Flushing avenue of the Long Island railroad tracks by those of the Brooklyn City railroad. The formal answer of the Brooklyn City Railroad Company was received and placed on file. Letter and telegram were also received from the Long Island Railroad Company as to this matter, asking for further hearing. Ordered hearing set down for August twenty-first, 2 P. M., at Albany.

J. P. Malloy v. The Union Railway Company of New York City, relative to transportation of passengers. Ordered copy sent to the company.

Julius Egbert v. The New York Central and Hudson River Railroad Company, alleging incompetent telegrapher in signal tower at East Creek. The company denied the complaint. Letter from the complainant ordered filed.

Richmond & James v. The Fitchburg Railroad Company, relative to a new station at Hoosick. Letter received from complainants. Ordered, that the Board recommends that the Fitchburg Railroad Company erect and maintain an adequate passenger and freight station at Hoosick.

F. J. Davis, of Hooper, v. The New York, Lake Erie and Western Railroad Company, alleging poor condition of fences along his property. Complaint ordered sent to the company and its attention be called to the law.

Minier Brothers, of Big Flats, v. The New York, Lake Erie and Western Railroad Company, alleging poor condition of fences. The answer of the company stating that fences would be fixed was received, and a copy ordered sent to the complainants.

B. J. Cummings, of Medina, v. The Western New York and Pennsylvania Railroad Company and The New York Central and Hudson River Railroad Company, alleging an overcharge on freight. The Western New York and Pennsylvania Railroad Company answered complaint, stating that there had been an error made and that the matter would be adjusted. Copy of the company's answer ordered sent to the complainant.

G. E. Harmon v. The New York Central and Hudson River Railroad Company, relative to burning of fences along his property. Ordered, that complaint be sent company and attention drawn to the law.

J. Head, of Boston Corners, v. The Poughkeepsie and Eastern Railroad Company, relative to fences and gates along his property. Ordered complaint be sent company and attention drawn to the law.

Residents of the Village of Deposit v. The New York, Lake Erie and Western Railroad Company, relative to engines standing under a bridge in that village; also relative to the approaches to the bridge. Ordered, that copy of complaint be sent company.

Applications.

In the matter of the application of the Amsterdam, Johnstown and Gloversville Railroad Company for a certificate under section 59 of the Railroad Law, James W. Greene and Daniel A. Wells, representing the company, appeared. Ordered, that hearing be set down for Tuesday, September fourth, at 2 P. M., at Albany, and notice be advertised.

In the matter of the application of the Fort Plain and Richfield Springs Railroad Company for an increase of capital stock, further papers were presented.

In the matter of the application of the Waddington-Canton and Southern Railroad Company for a certificate under section 59 of the Railroad Law,

H. E. Seaver appeared for the company, asking that a date be set for hearing. Ordered, that hearing be set down for Tuesday, September fourth, at 2 P. M., at Albany, and notice be advertised.

In the matter of the application of the Syracuse Street Railroad Company, for consent to change motive power from horses to the overhead electrical trolley system on a portion of its route. Ordered, that hearing be set down for September fourth, 2 P. M., at Albany, and notice advertised.

Miscellaneous.

|| The Secretary reported that the Long Island City and Newtown Railroad Company had failed to make quarterly reports for the quarters ending December thirty-first, March thirty-first and June thirtieth. The Secretary was ordered to notify the president of the company to appear before the Board at its next meeting, to show cause why the penalty for failure to make such reports should not be enforced.

The Board adjourned until 2 P. M., August twenty-first.

ALBANY, AUGUST 21, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

James P. Malloy v. The Union Railway Company of New York City, alleging poor service. Letter was received from complainant. Ordered, that hearing be granted, if requested.

Joseph Rosch v. The New York, Ontario and Western Railway Company, as to the condition of the Bloomingburgh tunnel. A letter was received from the president of the company, acknowledging the receipt of the inspector's report of his inspection of the tunnel.

Peter V. Ketchum, of Farmingdale, L. I., v. The Long Island Railroad Company, alleging dangerous crossing. Ordered, copy sent the company, and that they be required to answer.

Answers to Complaints.

In the matter of the complaint of F. J. Davis, of Hooper, v. The New York, Lake Erie and Western Railroad Company, the company answer that the fences had been repaired. Ordered sent the complainant.

In the matter of the complaint of B. J. Cummings, of Medina, v. The New York Central and Hudson River Railroad Company, the company replied, explaining freight rates. Ordered, that answer be sent complainant.

Hearings.

In the matter of the complaint of the Long Island Railroad Company v. The Brooklyn City Railroad Company, as to the proposed crossing of the tracks of the Long Island railroad by the Brooklyn City railroad, at Flushing avenue, W. J. Kelly appeared as counsel for the Long Island Railroad Company. The Brooklyn City Railroad Company filed a brief, The Long Island Railroad Company is to communicate further with the Board, as to the matter of abandoning its contention for an undercrossing at this point, before the Supreme Court Commissioner.

In the matter of the application of the Fort Plain and Richfield Springs Railway Company for a certificate under section 59 of the Railroad Law, J. G. Janeway appeared as counsel for the company, and affidavits of publication of articles of association were filed. A hearing in the matter was set down for 12 M., September eleventh, at Albany.

Applications.

In the matter of the application of the Cortland and Homer Railroad Company for the approval of the Board of the operation of its railroad, now built and to be built, by the overhead electrical trolley system. Ordered, that hearing be set down for the fourth of September, at 2 P. M., at Albany, and notice be advertised.

In the matter of the application of The Waddington, Canton and Southern Railroad Company for a certificate under section 59 of the Railroad Law, the petition of the company and proof of the publication of the articles of association were filed.

Miscellaneous.

Letter of P. J. Gleason, president of the Long Island City and Newtown Railroad Company, relative to the failure of that company to file quarterly reports. Ordered carried on file.

The Board adjourned until 2 P. M., September fourth.

ALBANY, SEPTEMBER 4, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

James P. Maloy v. The Union Railway Company of New York City. The company's answer was received and ordered sent complainant.

Dr. A. F. W. Reimer v. The Long Island Railroad Company, relative to the station at College Point. The report of the inspector of the Board was received of his inspection of the premises and a copy ordered sent the company with a letter stating that the recommendations of the inspector are made the recommendations of the Board.

Residents of Deposit v. The New York, Lake Erie and Western Railroad Company. The answer of the company notifying the Board the complaint would be attended to at once was received and ordered sent complainant.

Hearings.

In the matter of the application of The Cortland and Homer Railroad Company for approval of the Board of the use of the overhead electrical trolley system, D. F. Van Vleet appeared for the applicant; no one in opposition. Ordered application granted.

In the matter of the application of The Waddington, Canton and Southern Railroad Company for a certificate under section 59 of the Railroad Law, John C. Keeler and H. E. Seaver appeared for the applicant; no one in opposition. Ordered certificate granted.

In the matter of the application of The Syracuse Street Railroad Company for approval of the Board of a change of motive power, Mr. Gannon, of Stone, Gannon & Petit, appeared for the applicant, and Robert C. Drake, counsel for property-owners, in opposition. After argument by both sides the hearing was adjourned until 2 P. M., September eleventh.

In the matter of the application of the Amsterdam, Johnstown and Gloversville Railroad Company for a certificate under section 59 of the Railroad Law, Matthew Hale and A. J. Nellis appeared for the applicant; Hamilton Harris and A. D. L. Baker in opposition. After examination of witnesses and protracted controversy the hearing adjourned until 11 A. M., September twenty-first.

The Board adjourned until 12 M., September eleventh.

ALBANY, SEPTEMBER 11, 1894.

The Board met pursuant to adjournment. Present: Commissioners Rickard and Chapin.

The minutes of the last meeting were read, amended and approved.

Complaints.

James P. Malloy v. The Union Railway Company of New York City, relative to paying double fare. A reply was received from the complainant to the answer of the company. Ordered, that the complainant be notified that he may have a hearing on Friday, September twenty-first, at 11 A. M., if he desires, and that the company also be notified.

Peter V. Ketcham, of Farmingdale, L. I., v. The Long Island Railroad Company, relative to an alleged dangerous crossing in that village. The answer of the company was received; also the reply of the complainant to the answer of the company. Ordered, that the inspector be directed to make an examination of the locality and report to the Board.

B. K. White v. The Poughkeepsie and Eastern Railroad Company, relative to a culvert and want of gates in fences. The report of the inspector was received and read. Ordered, that copy be sent the company and it be notified that the recommendations of the inspector are made the recommendations of the Board.

Minier Brothers, of Big Flats, v. The New York, Lake Erie and Western Railroad Company, alleging poor condition of fences along their property. A communication was received from the complainants stating that the fences had been properly built.

Jonathan Head v. The Poughkeepsie and Eastern Railway Company, alleging bad fences and gates. Letter received from W. H. Sheldon, superintendent of the railroad, stating that the fences and gates complained of had been put in perfect condition. Copy ordered sent complainant.

Hearings.

In the matter of the application of The Fort Plain and Richfield Springs Railway Company for a certificate under section 59 of the Railroad Law, the Board heard J. G. Janeway for the applicant, who also filed additional papers. No one appeared in opposition. Ordered, that certificate under section 59 of the Railroad Law be issued.

In the matter of the application of The Syracuse Street Railroad Company for the approval of the Board of a change of motive power from horses to the electrical trolley system on a portion of its railroad, in which an adjourned hearing was to have been held to-day, a letter was received from Robert E. Drake, counsel for property-owners, opposing the application, and asking for a postponement of the hearing. Ordered, that the hearing be adjourned until 11 A. M., September twenty-first.

Applications.

In the matter of the application of the Canandaigua Electric-Light and Railroad Company, for the approval of the Board of the use of the overhead electrical trolley system as a motive power on its railroad. Ordered hearing be set down for September twenty-first at 11 A. M.

Letter of J. S. Lawrence, relative to the building of the railroad of the Hemstead Traction Company. Ordered, letter be written Mr. Lawrence requesting further information.

Miscellaneous.

By Commissioner Rickard:

Resolved, That the Secretary be authorized to temporarily employ two men under the civil service rules to assist in compiling the annual report.

Adopted.

The Board adjourned until 11 A. M., September twenty-first.

ALBANY, SEPTEMBER 31, 1894.

The Board met pursuant to adjournment. All present.
The minutes of the last meeting were read and approved.

Complaints.

A. Bird, of Sidney, N. Y., v. The Delaware and Hudson Canal Company, alleging that there are no toilet rooms at the Sidney station. Ordered complaint be sent company.

Jonathan Head v. The Poughkeepsie and Eastern Railroad Company, alleging improper condition of the gates in fences separating his land from that of the railroad company. Letter received from Mr. Head, stating that the gates had been put in good condition by the railroad company.

B. K. White v. The Poughkeepsie and Eastern Railroad Company, alleging improper condition of the stone culvert on said railroad at Stanfordville. Letter received from the company, stating that the culvert would receive immediate attention. Ordered copy sent complainant.

John G. Pugh v. The Buffalo, Rochester and Pittsburg Railroad Company, alleging improper condition of the fences separating his land from the railroad. Ordered copy sent the company.

Communications.

Communication from Andrew J. Clark, secretary meeting of Marcy avenue (Brooklyn) property-owners, relative to the building of the Nassau Electric railroad on that avenue. Ordered, letter be written Mr. White as on file.

Hearings.

In the matter of the application of the Syracuse Street Railroad Company for the approval of the Board of a change of motive power on a portion of its railroad, an adjourned hearing was had. Mr. Gannon, of Stone, Gannon & Petit, appearing for the applicant, and no one in opposition. Ordered, application approved.

In the matter of the application of the Canandaigua Electric-Light and Railroad Company for the approval of the Board of a change of motive power, a hearing was had. Thomas H. Bennet appearing for the application, and no one in opposition. Ordered, application approved.

In the matter of the application of the Fort Plain and Richfield Springs Railway Company for the approval of the Board of an increase of capital stock from \$300,000 to \$600,000. J. G. Janeway appeared for the application; no one in opposition. Ordered, application be approved.

In the matter of the application of the Amsterdam, Johnstown and Gloversville Railroad Company for a certificate under section 59 of the Railroad Law, an adjourned hearing was had. W. J. Nellis, Matthew Hale and A. C. Tennant appearing for the application; Hamilton Harris, A. D. L. Baker and Judge Anable in opposition. Ira N. Peace, representing the New York Central and Hudson River Railroad Company, also appeared in opposition. A large amount of evidence was introduced and testimony taken, and the hearing was adjourned until October eighth, at 2 P. M., for final argument.

The Board adjourned until 2 P. M., October eighth.

NEW COMPANIES

Formed under the Laws of the State of New York by filing articles of association from June 30, 1893, to June 30, 1894.

SURFACE STEAM ROADS.

| NAME OF COMPANY. | County in which operated. | Date when articles filed. | Length of road, miles. | Capital stock. |
|---|--|---------------------------|------------------------|----------------|
| New York, New England and Northern | New York, Westchester and Putnam | July 22, 1893 | 50 | \$3,000,000 |
| Chazy Railway Company | Clinton | Dec. 12, 1893 | 1½ | 20,000 |
| The Eddyville and Hickory Bush Railroad | Ulster | Feb. 27, 1894 | 3¾ | 40,000 |

SURFACE STREET ROADS.

| | | | | |
|---|-------------------|----------------|-------|------------|
| The Brooklyn, Mapleton, Van Pelt Manor and Bath Beach Railway Company | Kings | Sept. 30, 1893 | 6 | 100,000 |
| The Brooklyn, Bergen Beach and Canarsie Railroad Company | Kings | Nov. 14, 1893 | 9 | 200,000 |
| The Whitestone and College Point Railway Company | Queens | Nov. 14, 1893 | 6 | 60,000 |
| The People's Railroad Company of Brooklyn | Kings | Nov. 20, 1893 | 22 | 325,000 |
| Brooklyn, Queens County and Suburban Railroad Company .. | Queens | Nov. 24, 1893 | 5¾ | 15,000,000 |
| Thirty-ninth Street, Brooklyn Ferry and Suburban Railroad Company | Kings | Dec. 2, 1893 | 12 | 500,000 |
| The Broomfield Street Railroad Company | Chautauqua | Feb. 6, 1894 | 1 | 10,000 |
| Niagara Falls, Whirlpool and Northern Railway | Niagara | Feb. 26, 1894 | 1¾ | 50,000 |
| The Newburgh Electric Railway Company | Orange | Feb. 27, 1894 | ..... | 150,000 |
| The Long Island Electric Railway Company | Queens | Mar. 5, 1894 | 20 | 600,000 |
| The Coney Island, Fort Hamilton and Brooklyn Railroad Company | Kings | Mar. 21, 1894 | 5 | 500,000 |
| Cayuga Lake Electric Railway Company | Tompkins | Mar. 26, 1894 | 2 | 25,000 |
| Sherman Park and Westchester County Railway | Westchester | Mar. 29, 1894 | 4 | 12,000 |
| Newburgh and Orange Lake Railroad Company | Orange | May 4, 1894 | 4¾ | 100,000 |
| The Cortland and Homer Traction Company | Cortland | May 14, 1894 | 12 | 300,000 |

COMPANIES REORGANIZED.

"New York and Northern Railway Company" sold and reorganized as

"THE NEW YORK AND PUTNAM RAILROAD COMPANY."

Capital stock, \$6,000,000.

Articles of incorporation filed in the office of Secretary of State January 13, 1894. Leased to the New York Central and Hudson River Railroad Company.

"Newburgh Street Railway Company" sold and reorganized as

"THE NEWBURGH ELECTRIC RAILWAY COMPANY."

Capital stock, \$150,000.

Articles of incorporation filed in the office of Secretary of State February 27, 1894.

CONSOLIDATED COMPANIES.

The following corporations were consolidated and name changed during the year, as follows, viz.:

STREET SURFACE ROADS.

| NAME OF OLD COMPANIES. | Name of present company. | Certificate filed. | Capital stock. |
|---|--|--------------------|----------------|
| The Houston, West Street and Pavonia Ferry Railroad Company; The Broadway Railway Company and The South Ferry Railroad Company..... | Metropolitan Street Railway Company..... | Dec. 13, 1893 | \$8,200,000 |
| Gloversville Street Electric Railroad Company and Cayadutta Electric Railroad Company..... | Cayadutta Electric Railroad Company..... | Dec. 13, 1893 | 350,000 |
| The Binghamton Railroad Company; The Court Street and East End Railroad Company and The West Side Street Railway Company..... | Binghamton Railroad Company. | May 1, 1894 | ..... |
| Metropolitan Street Railway Company; Metropolitan Cross Town Railway Company; Lexington Avenue and Pavonia Ferry Railroad Company | Metropolitan Street Railway Company..... | May 23, 1894 | 13,500,000 |
| Watertown Street Railway Company and The Watertown and Brownville Street Railway Company | The Watertown and Brownville Street Railway Company. | June 25, 1894 | 100,000 |
| STEAM ROADS. | | | |
| Metropolitan Elevated Railway Company..... | The Manhattan Railway Company | May 7, 1894 | ..... |

EXTENSION OF ROUTES.

The following companies have, during the last year, filed articles of extension of routes, viz.:

| NAME OF ROAD. | Extension filed. | Length of extension. |
|---|------------------|----------------------|
| Crosstown Street (of Buffalo) | July 6, 1893 | ..... |
| The West Side (of Elmira) | July 17, 1893 | ..... |
| Syracuse Street | Oct. 18, 1893 | ..... |
| West Side (of Elmira) | Oct. 24, 1893 | 1,400 feet. |
| The Binghamton | Nov. 8, 1893 | 8 miles. |
| Brooklyn City | Nov. 29, 1893 | ..... |
| Hosack | Dec. 7, 1893 | ..... |
| Union (of New York city) | Dec. 29, 1893 | ..... |
| Thirty-ninth Street, Brooklyn Ferry and Suburban | Jan. 9, 1894 | ..... |
| North Mount Vernon | March 5, 1894 | ..... |
| West Side (of Elmira) | March 19, 1894 | 1,200 feet. |
| The People's (of Brooklyn) | March 20, 1894 | ..... |
| Middletown-Goshen Traction Company | May 22, 1894 | ..... |
| Columbus and Ninth Avenue | June 4, 1894 | ..... |
| Columbus and Ninth Avenue | June 4, 1894 | ..... |
| Metropolitan Street | June 4, 1894 | ..... |
| Metropolitan Street | June 4, 1894 | ..... |
| Metropolitan Street | June 4, 1894 | ..... |
| The Oney Island, Fort Hamilton and Brooklyn | June 7, 1894 | ..... |
| Middletown-Goshen Traction Company | June 12, 1894 | ..... |
| Forty-second Street, Manhattanville and St. Nicholas Avenue | June 15, 1894 | 1,900 feet. |
| Brooklyn City | June 21, 1894 | ..... |

INCREASE OF CAPITAL STOCK.

The following companies have increased their capital stock during the year, to-wit:

| NAME OF ROAD. | From | To | Filed with Secretary of State. |
|---|-----------|-------------|--------------------------------|
| Staten Island | \$800,000 | \$1,050,000 | July 12, 1893 |
| Brooklyn, Bath and West End | 600,000 | 1,000,000 | August 4, 1893 |
| Stillwater and Mechanicville | 40,000 | 60,000 | August 28, 1893 |
| Albany Railway | 1,350,000 | 1,500,000 | Oct. 13, 1893 |
| Houston, West Street and Pavonia Ferry | 1,050,000 | 7,050,000 | Oct. 17, 1893 |
| Ithaca Street | 175,000 | 250,000 | Dec. 22, 1893 |
| Glens Falls, Nandy Hill and Fort Edward | 120,000 | 150,000 | Jan. 5, 1894 |
| West Side (of Elmira) | 100,000 | 300,000 | Jan. 24, 1894 |
| Middletown-Goshen Traction Company | 100,000 | 200,000 | April 5, 1894 |
| Fort Jervis and Suburban Street | 25,000 | 100,000 | May 23, 1894 |

REDUCTION OF CAPITAL STOCK.

| NAME OF ROAD. | From | To | Filed with Secretary of State. |
|---------------------------------------|-----------|----------|--------------------------------|
| The South Cairo and East Durham | \$100,000 | \$50,000 | Jan. 6, 1894 |

SURRENDER OF CAPITAL STOCK.

The following companies have during the year surrendered capital stock, as follows:

SOUTH AVENUE SURFACE RAILROAD COMPANY,

Surrendered to the "Poughkeepsie and Wappingers Falls Street Surface Railroad Company."

Certificate filed in the office of the Secretary of State, August 31, 1893.

THE POUGHKEEPSIE AND WAPPINGERS FALLS STREET SURFACE RAILROAD COMPANY,

Surrendered to the "Poughkeepsie City and Wappingers Falls Electric Railway Company."

Certificate filed in the office of the Secretary of State, October 28, 1893.

SOUTH BROOKLYN CENTRAL RAILROAD COMPANY,

Surrendered to the "Atlantic Avenue Railroad Company."

Certificate filed in the office of the Secretary of State, December 27, 1893.

THE TROY AND LANSINGBURGH RAILROAD COMPANY,

Surrendered to the "Troy City Railway Company."

Certificate filed in the office of the Secretary of State, December 28, 1893.

BROADWAY FERRY AND METROPOLITAN AVENUE RAILROAD COMPANY,

Surrendered to the "Brooklyn, Queens County and Suburban Railroad Company."

Certificate filed in the office of the Secretary of State, January 16, 1894.

THE BROADWAY RAILROAD COMPANY, OF BROOKLYN,

Surrendered to the "Brooklyn, Queens County and Suburban Railroad Company."

Certificate filed in the office of the Secretary of State, January 16, 1894.

JAMAICA AND BROOKLYN ROAD COMPANY,

Surrendered to the "Brooklyn, Queens County and Suburban Railroad Company."

Certificate filed in the office of the Secretary of State, January 16, 1894.

THE TROY AND LANSINGBURGH RAILROAD COMPANY,

Surrendered to the "Troy City Railway Company."

Certificate of full surrender filed in the office of the Secretary of State, January 25, 1894.

CITY RAILROAD COMPANY, OF POUGHKEEPSIE,

Surrendered to the "Poughkeepsie City and Wappingers Falls Electric Railway Company."

Certificate filed in the office of the Secretary of State, April 3, 1894.

THE SILVER CREEK AND DUNKIRK RAILWAY COMPANY,

Surrendered to the "Lake Shore and Michigan Southern Railway Company."

Certificate filed in the office of the Secretary of State, June 29, 1894.

LEASED ROADS.

The following roads were leased during the year, viz.:

SOUTH AVENUE SURFACE RAILROAD (OF POUGHKEEPSIE),
was leased August 28, 1893, to the Poughkeepsie and Wappingers Falls Street Surface Railroad Company.

Lease filed in the office of Secretary of State, August 29, 1893.

CITY RAILROAD COMPANY (OF POUGHKEEPSIE),
was leased August 28, 1893, to the Poughkeepsie and Wappingers Falls Street Surface Railroad Company.

Lease filed in the office of Secretary of State, August 31, 1893.

STATEN ISLAND RAILWAY COMPANY,
was leased June 30, 1893, to the Staten Island Rapid Transit Railroad Company.

Lease filed in the office of Secretary of State, September 27, 1893.

GOUVERNEUR AND OSWEGATCHIE RAILROAD COMPANY,
was leased June 22, 1893, to the New York Central and Hudson River Railroad Company.

Lease filed in the office of Secretary of State, October 24, 1893.

CITY RAILROAD COMPANY (OF POUGHKEEPSIE),
was leased October 24, 1893, to the Poughkeepsie City and Wappingers Falls Electric Railway Company.

Lease filed in the office of Secretary of State, October 25, 1893.

POUGHKEEPSIE AND WAPPINGERS FALLS STREET SURFACE RAILROAD COMPANY,
was leased October 24, 1893, to the Poughkeepsie City and Wappingers Falls Electric Railway Company.

Lease filed in the office of Secretary of State, October 25, 1893.

ROCHESTER AND LAKE ONTARIO RAILWAY COMPANY,
was leased October 31, 1893, to the Rochester and Irondequoit Railroad Company.

Lease filed in the office of Secretary of State, October 31, 1893.

BROADWAY FERRY AND METROPOLITAN AVENUE RAILROAD COMPANY,
was leased January 12, 1894, to the Brooklyn, Queens County and Suburban Railroad Company.

Lease filed in the office of Secretary of State, January 16, 1894.

THE BROADWAY RAILROAD COMPANY, OF BROOKLYN,
was leased January 12, 1894, to the Brooklyn, Queens County and Suburban Railroad Company.

Lease filed in the office of Secretary of State, January 16, 1894.

JAMAICA AND BROOKLYN ROAD COMPANY,
was leased January 12, 1894, to the Brooklyn, Queens County and Suburban Railroad Company.

Lease filed in the office of Secretary of State, January 16, 1894.

THE NEW YORK AND PUTNAM RAILROAD COMPANY,
was leased January 30, 1894, to the New York Central and Hudson River Railroad Company.

Lease filed in the office of Secretary of State, February 1, 1894.

THE JOHNSTOWN, GLOVERSVILLE AND KINGSBORO HORSE RAILROAD COMPANY,
was leased November 13, 1893, to the Fonda, Johnstown and Gloversville Railroad Company.

Lease filed in the office of Secretary of State, April 5, 1894.

THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY,
was leased December 31, 1892, to the New York, Chicago and St. Louis Railroad Company.

Lease filed in the office of Secretary of State, April 26, 1894.

THE CAYADUTTA ELECTRIC RAILROAD COMPANY,
was leased February 12, 1894, to the Fonda, Johnstown and Gloversville Railroad Company.

Lease filed in the office of Secretary of State, April 30, 1894.

THE CAYUGA LAKE ELECTRIC RAILWAY COMPANY,
was leased June 1, 1894, to the Ithaca Street Railway Company.

Lease filed in the office of Secretary of State, June 5, 1894.

REDUCTION OF NUMBER OF DIRECTORS.

| NAME OF COMPANY. | From | To | Filed with Secretary of State. |
|--|------|----|--------------------------------|
| Amsterdam, Chautanunda and Northern Railroad Company | 18 | 9 | Nov. 16, 1893 |
| The Elmira and Lake Ontario Railroad Company... | 18 | 9 | June 5, 1894 |

INCREASE OF NUMBER OF DIRECTORS.

| NAME OF COMPANY. | From | To | Filed with Secretary of State. |
|--|------|----|--------------------------------|
| Steinway Railway Company (of Long Island)..... | 9 | 18 | Feb. 1, 1894 |

SURRENDER OF LEASE.

The following lease was surrendered :

THE POUGHKEEPSIE AND WAPPINGERS FALLS STREET SURFACE RAILROAD COMPANY,

Surrendered to the City Railroad Company (of Poughkeepsie), the lease made August 28, 1893, and filed in the office of Secretary of State August 31, 1893.

Certificate of surrender filed in the office of Secretary of State October 25, 1893.

ABANDONMENT OF PART OF ROUTE.

THE SOUTH CAIRO AND EAST DURHAM RAILROAD COMPANY.

Abandonment of about four miles of its route.

Certificate filed in the office of Secretary of State January 16, 1894.

**CERTIFICATE UNDER SECTION 59,
RAILROAD LAW.**

CHAZY RAILWAY COMPANY.

Certificate filed in office of Secretary of State, March 6, 1894.

CHANGE OF NAME.

The name of the "Cortland and Homer Horse Railroad," by order of the Supreme Court, has been changed to the Cortland and Homer Railroad Company.

Certificate filed in the office of the Secretary of State, June 27, 1894.

ENACTMENTS.

1894.

CHAP. 13. An act to authorize the city of Yonkers to issue railway paving bonds.

CHAP. 55. An act in relation to Greene avenue and Quincy street in the city of Brooklyn.

CHAP. 119. An act to authorize the Dunkirk and Fredonia Railroad Company to supply light, heat, power, steam and electricity, to persons or corporations renting buildings or rooms of and from the said company, located on its power-house premises in the village of Fredonia, and also to supply the inhabitants with the same and to receive pay therefor.

CHAP. 136. An act to amend section eighteen of chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, entitled "An act to amend the general corporation law."

CHAP. 156. An act to legalize the filing of the certificate of incorporation of the Poughkeepsie City and Wappingers Falls Electric Railway Company.

CHAP. 204. An act in relation to Bainbridge street in the city of Brooklyn.

CHAP. 205. An act in relation to Madison street in the city of Brooklyn.

CHAP. 207. An act in relation to the term of office of the board of electrical control in and for the city of New York.

CHAP. 212. An act to amend chapter four hundred and eleven of the laws of eighteen hundred and ninety two, entitled "An act to further amend chapter three hundred and ninety-five of the laws of eighteen hundred and sixty-seven, entitled 'An act to incorporate the New York and Long Island Bridge Company for the purpose of constructing and maintaining a bridge over the East river between the city of New York and Long Island.'"

CHAP. 249. An act to provide for the disposition of the proceeds arising from the sale of the stock of the Carthage, Watertown and Sacketts Harbor Railroad Company, owned by the town and city of Watertown, and to confirm the acts of the railroad commissioners in selling the stock to the New York Central and Hudson River Railroad Company.

CHAP. 258. An act to amend the Code of Civil Procedure, relating to proceedings for the voluntary dissolution of corporations.

CHAP. 264. An act to amend sections twenty-four hundred and thirteen and twenty-four hundred and fifteen of the Code of Civil Procedure, relating to changing the names of individuals and of corporations.

CHAP. 311. An act to authorize certain corporations to construct additional bridges across rivers forming a part of the boundary of this State.

CHAP. 313. An act in relation to First street in the city of Brooklyn.

CHAP. 338. An act relating to canals, constituting chapter thirteen of the general laws.

CHAP. 339. An act to extend the time of the Little Falls, Van Hornesville and Otsego Lake Narrow Gauge Railroad Company to begin the construction of its road and expend thereon ten per cent. of the amount of its capital, and finish and put the same in operation.

CHAP. 346. An act to amend the stock corporation law.

CHAP. 358. An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

CHAP. 400. An act to amend the general corporation law, in relation to limitations upon the amount of property of non-stock corporations.

CHAP. 415. An act to legalize the conveyance of certain lands to the railroad commissioners of the town of New Lebanon in the county of Columbia, and to authorize said commissioners to hold and convey the same.

CHAP. 431. An act in relation to Hick, Henry and Clinton streets in the city of Brooklyn.

CHAP. 440. An act to incorporate the St. Lawrence Electric Town-site Company, to define its rights, powers and privileges, and for other purposes.

CHAP. 452. An act to amend the railroad law in relation to improvements in railroad appliances.

CHAP. 475. An act to amend section thirty-three hundred and seventy-four of the Code of Civil Procedure, relating to the abandonment and discontinuance of condemnation proceedings.

CHAP. 484. An act further to extend the time within which the Troy and New England Railway Company shall begin the construction of its railroad and expend thereon ten per cent. of its capital.

CHAP. 508. An act to extend the time for the completion of the Hudson Tunnel railway.

CHAP. 518. An act to amend chapter two hundred and fifty-six of the laws of eighteen hundred and eighty-eight, entitled "An act to prevent the use of certain parks and streets in the city of New York for railroads."

CHAP. 528. An act to amend section four of chapter four of the laws of eighteen hundred and ninety-one, excepting certain parks and streets from route for an elevated railroad.

CHAP. 548. An act to amend chapter three hundred and thirty-nine of the laws of eighteen hundred and ninety-two, entitled "An act to regulate, improve and enlarge Park avenue above One Hundred and Sixth street in the city of New York, and providing for the passage of intersecting streets under the railroad structure of the New York and Harlem Railroad Company, and for the elevation of said railroad structure, and for changing the grade of said railroad, and for the construction of a new railroad bridge at an increased elevation over the Harlem river, and providing for all changes in any avenues, streets or railroads that may be necessary by reason of such change in structure and grade and increased elevation of bridge, and for other purposes."

CHAP. 558. An act to amend chapter six hundred and sixty-five of the laws of eighteen hundred and ninety-three, entitled "An act to authorize the construction and maintenance of a bridge across the Albany basin."

CHAP. 562. An act to amend chapter five hundred and one of the laws of eighteen hundred and eighty-five, entitled "An act to amend chapter one hundred and fifty-one of the laws of eighteen hundred and eighty-two, entitled 'An act to amend chapter three hundred and sixty-one of the laws of eighteen hundred and eighty-one, entitled An act to amend chapter five hundred and forty-two of the laws of eighteen hundred and eighty, entitled An act to provide for raising taxes for the use of the State upon certain corporations, joint-stock companies and associations.'"

CHAP. 567. An act to amend chapter five hundred and thirty-seven of the laws of eighteen hundred and ninety-three, entitled "An act providing for ascertaining and paying the amount of damages to lands and buildings suffered by reason of changes of grade of streets or avenues made pursuant to chapter seven hundred and twenty-one of the laws of eighteen hundred and eighty-seven, providing for the depression of railroad tracks in the twenty-third and twenty-fourth wards in the city of New York, or otherwise."

CHAP. 583. An act in relation to Gates avenue in the city of Brooklyn.

CHAP. 586. An act in relation to McDonough street in the city of Brooklyn.

CHAP. 597. An act in relation to Lewis avenue in the city of Brooklyn.

CHAP. 598. An act to amend chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania as subsequently amended."

CHAP. 600. An act relating to the construction of a viaduct over the railroad tracks where the same intersect the line of Chenango street in the city of Binghamton.

CHAP. 627. An act to amend the game law.

CHAP. 633. An act in relation to Centre avenue and Main street, in the village of New Rochelle, county of Westchester, and State of New York.

CHAP. 648. An act to amend the railroad law in relation to electric light and power corporations becoming railroad corporations.

CHAP. 654. An act making appropriations for the support of government.

CHAP. 686. An act for the preservation of macadamized public highways in Queens county.

CHAP. 693. An act to amend the railroad law, relating to construction of road in street where other road is built.

CHAP. 710. An act to amend chapter three hundred of the laws of eighteen hundred and seventy-five, entitled "An act providing that the bridge in course of construction over the East river, between the cities of New York and Brooklyn, by the New York Bridge Company, shall be a public work of the cities of New York and Brooklyn, and for the dissolution of said company and the completion and management of said bridge by the said cities," relating to the compensation of policemen.

CHAP. 722. An act to incorporate the Niagara, Lockport and Ontario Power Company.

CHAP. 723. An act to amend the railroad law, relating to consents of property-owners for building and operation of street surface railroad.

CHAP. 736. An act to amend the Code of Civil Procedure relating to attachments.

CHAP. 740. An act to amend chapter three hundred and fourteen of the laws of eighteen hundred and fifty-eight, entitled "An act to declare and extend the powers of executors, assignees, receivers and other trustees, and to protect the rights of creditors and others against frauds, and for other purposes."

CHAP. 743. An act to facilitate travel upon elevated railroads in the city of New York.

CHAP. 752. An act to amend chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants."

CHAP. 755. An act to regulate the use of barbed wire in the construction of division fences.

EXPENSES OF THE BOARD.

Traveling expenses of the Board of Railroad Commissioners for the year ending June 30, 1894 as filed and audited by items in the office of the Comptroller of the State. (Limited by chapter 865, Laws of 1890, to \$300 a month, in the aggregate, or \$4,000 per annum.)

| | |
|--------------------------------------|-----------------|
| Of the Commissioners..... | \$396 88 |
| Of the Secretary..... | 128 05 |
| Of the inspector and accountant..... | 158 74 |
| Of the stenographer | 48 50 |
| Total | <u>\$723 80</u> |

ALPHABETICAL LIST

OF COMPANIES FORMED UNDER THE LAWS OF THIS STATE.

| Name of road. | When formed. | Name of road. | When formed. |
|--|-----------------|---|-----------------|
| Addison and Northern Pennsylvania..... | 1889 | Auburn and Owaseo Lake..... | 1871 |
| Addison and Pennsylvania..... | 1892 | Auburn and Owaseo Lake Electric..... | 1890 |
| Addison and Pennsylvania..... | 1892 | Auburn and Port Byron..... | 1889 |
| Addis n, Osceola and Cwanesque Valley..... | 1878 | Auburn and Rochester..... | 1869 |
| Addison and Pennsylvania..... | 1887 | Auburn and Syracuse..... | 1886 |
| Adirondack..... | 1889 | Auburn and Willow Brook..... | 1884 |
| Adirondack..... | 1883 | Aurora and Buffalo..... | 1872 |
| Adirondack Estate Railroad Company..... | 1860 | Avenue C..... | 1882 |
| Adirondack Extension..... | 1891 | Avon, Genesee and Mount Morris..... | 1889 |
| Adirondack and St. Lawrence..... | 1890 | Babylon..... | 1880 |
| Adirondack Railway..... | 1882 | Baldwinsville Branch..... | 1871 |
| Albany..... | 1861 | Baldwinsville Branch..... | 1886 |
| Albany..... | 1863 | Batavia, Abion and Lake Ontario..... | 1888 |
| Albany, Bennington and Rutland..... | 1860 | Batavia, Attica and Salamanca..... | 1867 |
| Albany and Boston..... | 1869 | Batavia and Cheektowaga..... | 1860 |
| Albany and Boston..... | 1864 | Bath and Crooked Lake..... | 1881 |
| Albany and Kenwood..... | 1863 | Bath and Hammondsport..... | 1872 |
| Albany and Lackawanna..... | 1866 | Bay Ridge and Sea Shore..... | 1872 |
| Albany and New York..... | 1866 | Bay Ridge and Sea Side..... | 1871 |
| Albany and Northern..... | 1851 | Bay Shore..... | 1866 |
| Albany Railroad..... | 1863 | Belden Point..... | 1862 |
| Albany Railway..... | 1863 | Belmont and Buffalo..... | 1871 |
| Albany, Sandlake and Stephentown..... | 1871 | Binghamton..... | 1862 |
| Albany and Saratoga..... | 1862 | Binghamton Central..... | 1882 |
| Albany and Saratoga Springs..... | 1868 | Binghamton, Dushore and Williamsport..... | 1872 |
| Albany and Schenectady..... | 1847 | Binghamton and Port Dickinson..... | 1868 |
| Albany and Susquehanna..... | 1851 | Binghamton and Southwestern..... | 1867 |
| Albany Terminal..... | 1886 | Binghamton and Susquehanna..... | 1882 |
| Albany and Vermont..... | 1859 | Binghamton and State Line..... | 1862 |
| Albany, Vermont and Canada..... | 1859 | Binghamton and Williamsport..... | 1882 |
| Albany and West Stockbridge..... | 1886 | Black River..... | 1836 |
| Albion and Tonawanda..... | 1822 | Black River Company..... | 1832 |
| Allegheny Central..... | 1881 | Black River and M. rristown..... | 1870 |
| Allegheny Central..... | 1882 | Black River and St. Lawrence..... | 1866 |
| Albany and Kinzua..... | 188 | Black River and Utica..... | 1853 |
| Amsterdam, Chuctanunda and Northern..... | 1879 | Black River and Woodhull..... | 1866 |
| Amsterdam Street..... | 1873 | Bleecker Street and Fulton Ferry..... | 1864 |
| Amsterdam Electric..... | 1888 | Blossburgh and Corning..... | 1854 |
| Arcade and Genesee River..... | 1872 | Boonville and Constableville..... | 1866 |
| Astoria, Blissville and Calvary Cemetery..... | 1891 | Boonville and Ontario..... | 1868 |
| Astoria and Hunter's P Int..... | 1867 | Boonville and Port Ontario..... | 1872 |
| Astoria and Hunter's Point..... | 1877 | Boonville and Turin..... | 1866 |
| Astoria Street..... | 1891 | Boston and Albany..... | 1870 |
| Atlantic Avenue..... | 1872 | Boston, Albany and Schenectady..... | 1877 |
| Atlantic Avenue..... | 1890 | Boston, Hartford and Erie..... | 1864 |
| Atlantic Cable..... | 18-8 | Boston, Hartford and Erie Extension..... | 1864 |
| Atlantic and Great Western..... | 1859 | Boston, Hartford and Erie Ferry Extension..... | 1864 |
| Atlantic and Great Western..... | 1872 | Boston and Henderson Harbor..... | 1872 |
| Atlantic and Great Western of New York..... | 1872 | Boston, Hoosac Tunnel and Albany..... | 1872 |
| Atlantic and Great Western Railroad Com- pany of New York and Pennsylvania..... | 1872 | Boston, Hoosac Tunnel and Western..... | 1877 |
| Atlantic and Ontario..... | 1871 | Boston, Hoosac Tunnel and Western Rail- way..... | 1881 |
| Attica and Allegheny Valley..... | 1852 | Boston, New York and Chicago..... | 1874 |
| Attica and Arcade..... | 1870 | Boston, New York and Western..... | 1880 |
| Attica and Arcade..... | 1880 | Boston, Rome and Oswego..... | 1871 |
| Attica and Buffalo..... | 1886 | Boston, Saratoga and Western..... | 1870 |
| Attica and Hornellsville..... | 1845 | Boutenberg..... | 1866 |
| Attica, Lockport and Lake Ontario..... | 1883 | Bowery Bay and Hunter's Point..... | 1862 |
| Attica and Sheldon..... | 1836 | Bradford, Eldred and Cuba..... | 1861 |
| Auburn City..... | 1886 | Branchport and Penn Yan..... | 1866 |
| Auburn and Canal..... | 1882 | Breslau and Fire Island..... | 1872 |
| Auburn and Deposit Air Line..... | 1871 | Brewerton and Syracuse..... | 1886 |
| Auburn and Homer Midland..... | 1872 | Bridge Tunnel..... | 1886 |
| Auburn and Ithaca..... | 1880 | | |

| Name of road. | When formed. | Name of road. | When formed. |
|--|--------------|--|--------------|
| Brighton (No. 1) | 1880 | Brooklyn Steam Transit | 1869 |
| Brighton (No. 2) | 1880 | Brooklyn Steam Transit | 1871 |
| Brighton Beach | 1879 | Brooklyn Sub-railway | 1886 |
| Brighton Beach and New York | 1880 | Brooklyn and Suburban | 1887 |
| Broadway and Bowery Bay | 1883 | Brooklyn Underground | 1881 |
| Broadway (of Brooklyn) | 1888 | Brooklyn, Winfield and Newtown | 1870 |
| Broadway (of New York) | 1884 | Brooklyn and Winfield Railway | 1869 |
| Broadway Central Underground | 1880 | Broome and DeLancey Street Crosstown | 1886 |
| Broadway, Ferry and Metropolitan Ave. | 1892 | Broome, DeLancey and Spring Streets | 1885 |
| Broadway, Lexington and Fifth Avenue | 1884 | Buffalo | 1860 |
| Broadway Railway | 1890 | Buffalo and Allegany Valley | 1883 |
| Broadway and Rockaway Beach | 1880 | Buffalo, Aurora and Southeastern | 1889 |
| Broadway and Seventh Avenue | 1884 | Buffalo and Batavia | 1888 |
| Broadway Surface | 1884 | Buffalo, Bellevue and Lancaster | 1889 |
| Broadway Underground | 1880 | Buffalo and Black Rock | 1883 |
| Broadway Underground Connecting | 1880 | Buffalo, Bradford and Pittsburg | 1869 |
| Broadway and Yonkers Patent | 1886 | Buffalo Branch of the Erie Railway | 1881 |
| Brocton Street | 1894 | Buffalo, Cayuga Valley and Pine Creek | 1888 |
| Brook Avenue | 1885 | Buffalo, Chautauque Lake and Pittsburg | 1879 |
| Brookfield | 1888 | Buffalo City | 1867 |
| Brooklyn, Bath and Coney I-land | 1882 | Buffalo City | 1877 |
| Brooklyn, Bath and Coney Island | 1879 | Buffalo, Cleveland and Chicago Railway | 1881 |
| Brooklyn, Bath and West End | 1879 | Buffalo and Conhoben Valley | 1880 |
| Brooklyn, Bergen Beach and Canarsie | 1893 | Buffalo, Corning and New York | 1882 |
| Brooklyn Bridge and South Ferry | 1887 | Buffalo, Corey and Pittsburg | 1888 |
| Brooklyn Bridge and South Shore | 1886 | Buffalo Creek | 1849 |
| Brooklyn and Brighton Beach | 1887 | Buffalo Creek Extension | 1874 |
| Brooklyn, Bushwick and Queens County | 1885 | Buffalo Creek Transfer | 1881 |
| Brooklyn Cable | 1888 | Buffalo Crosstown | 1874 |
| Brooklyn Cable | 1886 | Buffalo Dock and Connecting | 1880 |
| Brooklyn and Canarsie | 1886 | Buffalo and East Aurora Electric | 1888 |
| Brooklyn Central | 1889 | Buffalo East Side Street | 1870 |
| Brooklyn Central and Jamaica | 1880 | Buffalo Electric and Cable Street | 1889 |
| Brooklyn City | 1883 | Buffalo and Erie | 1883 |
| Brooklyn City Elevated | 1875 | Buffalo and Erie | 1887 |
| Brooklyn City Elevated | 1879 | Buffalo Erie Basin | 1876 |
| Brooklyn City, Hunter's Point and Pros- pect Park | 1888 | Buffalo and Geneva | 1886 |
| Brooklyn City and Newtown | 1880 | Buffalo and Geneva | 1889 |
| Brooklyn City and Ridgewood | 1881 | Buffalo and Great Western | 1889 |
| Brooklyn City and Rockaway | 1882 | Buffalo Harbor | 1886 |
| Brooklyn and Coney Island | 1876 | Buffalo and Hamburg | 1882 |
| Brooklyn and Coney Island Central | 1877 | Buffalo and Hinsdale | 1846 |
| Brooklyn, Coney Island and Rockaway | 1878 | Buffalo and International | 1887 |
| Brooklyn Crosstown | 1882 | Buffalo and International Bridge | 1873 |
| Brooklyn, East New York and Rockaway | 1884 | Buffalo and Jamestown | 1881 |
| Brooklyn Elevated | 1884 | Buffalo, Kenmore and Tonawanda Electric | 1889 |
| Brooklyn Elevated and Atlantic Beach | 1879 | Buffalo, Lackawanna and Pacific | 1889 |
| Brooklyn Elevated Railway Construction Company | 1889 | Buffalo and Lancaster Electric | 1888 |
| Brooklyn Elevated Silent Safety | 187 | Buffalo and Lake Huron | 1888 |
| Brooklyn, Flatbush and Coney Island | 1886 | Buffalo Lehigh | 1881 |
| Brooklyn, Flatbush and Coney Island | 1889 | Buffalo and Lockport | 1889 |
| Brooklyn, Flatbush and Coney Island Rail- way | 1877 | Buffalo and New York | 1881 |
| Brooklyn, Flatbush and Rockaway Beach | 1879 | Buffalo and New York City | 1881 |
| Brooklyn, Fort Hamilton, Bath and Coney Island | 1886 | Buffalo, New York and Philadelphia | 1871 |
| Brooklyn, Fort Hamilton and Coney Island | 1887 | Buffalo and Niagara Falls | 1884 |
| Brooklyn, Fort Hamilton and Coney Island | 1881 | Buffalo and Niagara Falls Electric | 1888 |
| Brooklyn Heights | 1887 | Buffalo Niagara Slip | 1877 |
| Brooklyn Heights Cable | 1886 | Buffalo, North Main Street and Tonawanda Electric | 1889 |
| Brooklyn and Jamaica | 1849 | Buffalo, North Tonawanda and Sanborn Electric | 1886 |
| Brooklyn and Jamaica | 1886 | Buffalo and Oil Creek Cross Cut | 1885 |
| Brooklyn and Jersey City Ferry | 1884 | Buffalo and Pittsburg | 1889 |
| Brooklyn and Long Island Cable | 1884 | Buffalo, Pittsburg and St. Louis | 1889 |
| Brooklyn and Long Island City | 1880 | Buffalo, Pittsburg and Western | 1880 |
| Brooklyn and Long Island Trunk | 1883 | Buffalo, Pittsburg and Western | 1881 |
| Brooklyn and Montauk | 1880 | Buffalo and Rochester | 1880 |
| Brooklyn, Middle Village and Jamaica | 1886 | Buffalo, Rochester and Pittsburg | 1881 |
| Brooklyn, Mapleton, Van Felt Manor and Bath Beach | 1893 | Buffalo, Rochester and Pittsburg | 1886 |
| Brooklyn, New York and New Jersey Ter- minal | 1893 | Buffalo and Rochester and Pittsburg | 1887 |
| Brooklyn, Prospect Park and Flatbush | 1887 | Buffalo and South Park Belt Line | 1887 |
| Brooklyn, Prospect Park and Jamaica Bay | 1889 | Buffalo and Southwestern | 1878 |
| Brooklyn and Queens County | 1888 | Buffalo and State Line | 1849 |
| Brooklyn, Queens County and Suburban | 1883 | Buffalo and Springville | 1871 |
| Brooklyn and Rockaway | 1887 | Buffalo Street | 1880 |
| Brooklyn and Rockaway Beach | 1884 | Buffalo, Syracuse and Albany | 1878 |
| Brooklyn, Rockaway and Coney Island | 1881 | Buffalo and Tonawanda Electric | 1889 |
| Brooklyn and Sea Shore | 1871 | Buffalo, Thousand Islands and Portland | 1889 |
| | | Buffalo, Tonawanda and Niagara Falls | 1888 |
| | | Buffalo, Tonawanda and Niagara River | 1880 |
| | | Buffalo and Washington | 1885 |

| Name of road. | When formed. | Name of road. | When formed. |
|---|-----------------|--|-----------------|
| Buffalo and Williamsville | 1868 | Chateaugay | 1879 |
| Buffalo and Williamsville | 1870 | Chateaugay | 1887 |
| Buffalo and Williamsville | 1886 | Chautauqua County | 1861 |
| Buffalo and Williamsville Electric | 1891 | Chautauqua Lake | 1874 |
| Buffalo, Williamsville and Northern | 1886 | Chautauqua Lake | 1885 |
| Burnet Street Car | 1886 | Chautauqua Lake | 1886 |
| Bushwick | 1887 | Chautauqua Valley | 1884 |
| Calvo | 1884 | Chazy | 1888 |
| Calvary Cemetery, Greenpoint and Brook- lyn | 1885 | Chemung | 1845 |
| Camden, Watertown and Northern | 1890 | Chemung and Ithaca | 1887 |
| Campbell Hall Connecting | 1889 | Chemung Valley | 1888 |
| Canajoharie and Catskill | 1880 | Cherry Valley, Sherron and Albany | 1889 |
| Canal | 1878 | Cherry Valley and Mohawk River | 1884 |
| Canandaigua and Bath | 1871 | Cherry Valley and Sprakers Horse Power Railroad Company | 1880 |
| Canandaigua and Corning | 1845 | Cherry Valley and Susquehanna | 1884 |
| Canandaigua and Elmira | 1883 | Christopher and Tenth Street | 1878 |
| Canandaigua Lake | 1887 | Christopher Street and James Slip Ferry | 1886 |
| Canandaigua and Niagara Falls | 1881 | Citizens' Electric | 1887 |
| Canandaigua, Palmyra and Ontario | 1872 | Citizens' Electric (Corning) | 1894 |
| Canandaigua Railway and Transportation Company | 1888 | Citizens' Railway of Corning | 1886 |
| Canandaigua Street | 1886 | Citizens' Railway of Jamestown | 1880 |
| Canandaigua and Syracuse | 1883 | Citizens' Street Railway | 1890 |
| Canarsie, Brooklyn and Winfield | 1884 | Citizens' Street Railroad Company of Rochester | 1888 |
| Canarsie and Flatbush | 1874 | Citizens' Surface | 1888 |
| Canastota Northern | 1886 | City (Binghamton) | 1888 |
| Canastota Valley Electric | 1891 | City Island | 1884 |
| Canton and St. Lawrence River | 1885 | City Line and Canarsie | 1889 |
| Canton and Waddington | 1884 | City of Poughkeepsie | 1889 |
| Capital Railway | 1891 | City of Poughkeepsie | 1878 |
| Cassadaga and Erie | 1846 | City Railway Company of New York | 1886 |
| Castleton and West Stockbridge | 1884 | Clinton and Theresa | 1871 |
| Carthage and Adirondack | 1888 | Clinton Avenue | 1884 |
| Carthage, Watertown and Sacketts Har- bor | 1889 | Clinton and South Clinton | 1888 |
| Catskill City | 1885 | Clove Branch | 1888 |
| Catskill Horse | 1874 | Clyde and Sodus Bay | 1888 |
| Catskill and Ithaca | 1886 | Coeysman | 1886 |
| Catskill Mountain | 1880 | Cohoes and Waterford | 1886 |
| Catskill Mountain | 1885 | Cohoes and Waterford | 1887 |
| Catskill and Schoharie Valley | 1871 | Cohoes and Waterford | 1878 |
| Catskill and Tannersville | 1889 | Cold Springs | 1889 |
| Cattaraugus | 1888 | Colonial City Electric | 1888 |
| Cayadutta Electric | 1889 | Columbia and Rensselaer | 1888 |
| Cayuga Lake | 1887 | Columbia Street and Erie Basin | 1886 |
| Cayuga Lake Electric | 1894 | Columbus and Ninth Avenue | 1884 |
| Cayuga Midland | 1871 | Concourse | 1880 |
| Cayuga Northern | 1872 | Concourse Lake | 1888 |
| Cayuga Railway | 1873 | Coney Island Beach | 1877 |
| Cayuga Southern | 1878 | Coney Island and Brooklyn | 1880 |
| Cayuga and Susquehanna | 1848 | Coney Island Centre and Safety Rails Ele- vated | 1880 |
| Cazenovia and Canastota | 1888 | Coney Island and East River | 1876 |
| Cazenovia and Canastota | 1878 | Coney Island Electrical | 1887 |
| Cazenovia, Canastota and De Ruyter | 1878 | Coney Island Elevated | 1889 |
| Cazenovia, Canastota and De Ruyter | 1876 | Coney Island, Fort Hamilton and Brook- lyn | 1892 |
| Cedarhurst | 1888 | Coney Island, Fort Hamilton and Brook- lyn | 1884 |
| Central City | 1889 | Coney Island and Gravesend | 1888 |
| Central Croestown | 1878 | Coney Island High and Low Water Mark | 1877 |
| Central Lock and Terminal | 1889 | Coney Island and Rockaway | 1876 |
| Central Elevated Railway | 1889 | Coney Island and Sea View Elevated | 1880 |
| Central Elevated Railway | 1886 | Coney Island, Sheepshead Bay and Ocean Avenue | 1880 |
| Central of Long Island | 1871 | Coney Island Surface | 1877 |
| Central New England and Western | 1889 | Coney Island Surface | 1889 |
| Central New York and Western | 1892 | Coney Island Transit | 1880 |
| Central Park, North and East River | 1880 | Connecting Terminal | 1881 |
| Central Park and Kings Bridge | 1886 | Cooperstown and Charlotte Valley | 1888 |
| Central Railroad Extension | 1878 | Cooperstown and Cherry Valley | 1887 |
| Central Saratoga | 1878 | Cooperstown and Susquehanna Valley | 1885 |
| Central of Staten Island | 1870 | Copenhagen and Turin | 1886 |
| Central (Staten Island) | 1873 | Corning and Bloomsburgh | 1881 |
| Central Tunnel | 1881 | Corning and Olean | 1878 |
| Central Valley | 1870 | Corning and Painted Post | 1886 |
| Chambers Street | 1877 | Corning and Seneca Lake | 1884 |
| Chambers Street | 1884 | Cornwall Branch | 1889 |
| Chambers Street Croestown | 1880 | Cornwall Suspension Bridge | 1888 |
| Chambers Street and Grand Street Ferry | 1884 | Cortland and Homer | 1888 |
| Champlain and St. Lawrence | 1881 | Cortland and Homer Traction | 1884 |
| Charlotte Lake View | 1876 | | |
| Charlotte and Lake View | 1881 | | |

| Name of road. | When formed. | Name of road. | When formed. |
|--|--------------|--|--------------|
| Coudersport, Hornellsville and Lackawanna..... | 1889 | Elmira, Jefferson and Canandaigua..... | 1889 |
| Court Street and East End..... | 1886 | Elmira and Lake Ontario..... | 1886 |
| Court Street and River Side..... | 1883 | Elmira and State Line..... | 1873 |
| Court Street and River Side..... | 1886 | Elmira transfer..... | 1886 |
| Coxsackie and Schoenectady..... | 1887 | Elmira and Williamsport..... | 1883 |
| Crescent (Long Island City)..... | 1891 | Elmira and Williamsport..... | 1890 |
| Crosstown Street..... | 1890 | Elmwood Avenue and Tonawanda Electric..... | 1893 |
| Crosstown and Rochester..... | 1889 | Erle and Black Rock..... | 1883 |
| Croton Valley..... | 1886 | Erle and Cattaraugus..... | 1887 |
| Cypress Hill Railway..... | 1873 | Erle and Central New York..... | 1883 |
| Danville and Rochester..... | 1883 | Erle and Genesee Valley..... | 1886 |
| Dansville Electric..... | 1893 | Erle International..... | 1873 |
| Davenport..... | 1888 | Erle and New England..... | 1886 |
| Davenport, Middlebury and Durham..... | 1893 | Erle and New York City..... | 1893 |
| Delaware..... | 1836 | Erle and Niagara River..... | 1883 |
| Delaware and North River..... | 1889 | Erle Railway..... | 1881 |
| Delaware and Osego..... | 1887 | Erle, Rochester and Lake Ontario Terminal..... | 1884 |
| Delaware and Hudson River..... | 1884 | Far Rockaway Beach..... | 1881 |
| Dehl and Middletown..... | 1871 | Far Rockaway Branch..... | 1888 |
| Dear Park and Babylon..... | 1893 | Ferry Crosstown..... | 1886 |
| Deerfield and Utica..... | 1888 | Fifth Avenue..... | 1884 |
| Depot Belt Line..... | 1891 | Fifth Avenue..... | 1886 |
| Dexter and Ontario..... | 1889 | Fifth Ward..... | 1888 |
| Division Avenue..... | 1883 | Fifty-second, Fifty-third Streets and Boulevard..... | 1886 |
| Dry Dock, East Broadway and Battery..... | 1883 | Fifty-ninth Street..... | 1886 |
| Dunderberg Spiral..... | 1889 | Fiftieth Street, Astoria Ferry and Central Park..... | 1890 |
| Dunkirk, Allegheny Valley and Pittsburg..... | 1871 | First Avenue and Jersey Ferries..... | 1864 |
| Dunkirk and Chautauqua Lake..... | 1886 | Fish House and Amsterdam..... | 1883 |
| Dunkirk, Chautauqua Lake and Pittsburg..... | 1873 | Fishkill..... | 1868 |
| Dunkirk and Fredonia..... | 1861 | Fishkill and Matteawan Street..... | 1886 |
| Dunkirk and Fredonia Rapid Transit..... | 1891 | Fishkill and Newburgh..... | 1876 |
| Dunkirk and Junction..... | 1879 | Fitchburg..... | 1843 |
| Dunkirk, Warren and Pittsburg..... | 1867 | Fitchburg..... | 1893 |
| Dunkirk, Warren and Pittsburg..... | 1870 | Fitchburg, Coney Island and Canarsie..... | 1864 |
| Dutchess..... | 1833 | Fitchburg, Coney Island Park and Courthouse..... | 1876 |
| Dutchess..... | 1836 | Flushing..... | 1833 |
| Dutchess and Columbia..... | 1866 | Flushing..... | 1863 |
| Dutchess County..... | 1890 | Flushing and College Point..... | 1866 |
| Dutchess Extension..... | 1889 | Flushing and College Point Electric Street..... | 1887 |
| East Branch Connecting..... | 1880 | Flushing and College Point Street..... | 1886 |
| East Brooklyn Railroad..... | 1874 | Flushing, Newtown and Long Is and City..... | 1893 |
| East Brooklyn Railway..... | 1873 | Flushing, North Shore and Central..... | 1874 |
| East Brooklyn, Winfield and Newtown..... | 1886 | Flushing and North Side..... | 1868 |
| East Buffalo Terminal..... | 1883 | Flushing Village..... | 1871 |
| East Chester..... | 1886 | Flushing and Woodside..... | 1864 |
| Eastern Branch of the Dutchess and Columbia..... | 1868 | Fonda and Fultonville..... | 1876 |
| Eastern Railroad Company of Long Island..... | 1879 | Fonda and Fultonville Electric..... | 1893 |
| East Genesee Street and Seward Avenue..... | 1871 | Fonda, Johnstown and Gloverville..... | 1867 |
| East Genesee Street and Seward Avenue Railway..... | 1881 | Forestport..... | 1868 |
| East New York, Bayside and Ozone Park..... | 1886 | Fort Ann and Mount Hope..... | 1871 |
| East New York and Jamaica..... | 1860 | Fort Edward, Glens Falls and Sandy Hill..... | 1863 |
| East New York and Jamaica Bay..... | 1866 | Fort Hamilton and Coney Island..... | 1881 |
| East and North River..... | 1861 | Fort Hamilton and New York Elevated..... | 1886 |
| East and North River..... | 1884 | Fort Plain and Richfield Springs..... | 1877 |
| East River Bridge and Coney Island Transit..... | 1881 | Fort Plain and Richfield Springs..... | 1893 |
| East River, Central Park and North River..... | 1889 | Fort Plain Street..... | 1887 |
| East River and Connecticut Railway..... | 1881 | Fort Pond Bay..... | 1883 |
| East River Connecting..... | 1890 | Forty-second Street Crosstown..... | 1877 |
| East River and Newtown..... | 1886 | Forty-second St and Grand St Ferry..... | 1843 |
| East River Tunnel..... | 1886 | Forty-second Street, Manhattanville and St. Nicholas Avenue..... | 1878 |
| East Side (Elmira)..... | 1891 | Fourteenth Street District Railway..... | 1886 |
| East Side and Mt. Vernon Railway..... | 1881 | Fourth Ward (Syracuse)..... | 1868 |
| East Side and New Rochelle Patent Railway..... | 1866 | Frankfort and Mon..... | 1871 |
| East Side Railway..... | 1868 | Franklin Avenue..... | 1887 |
| East Side, of Rochester..... | 1887 | Fredonia and Van Buren..... | 1846 |
| East and West..... | 1890 | Friendship..... | 1891 |
| East and West Ferries..... | 1877 | Fulton..... | 1844 |
| Eddyville and Hickory Bush..... | 1894 | Fulton and Cortland Street Ferry..... | 1884 |
| Eighth Avenue..... | 1886 | Fulton and Cortland Street Ferry Railway..... | 1884 |
| Eighth Ward..... | 1889 | Fulton Elevated..... | 1886 |
| Electric (Auburn)..... | 1893 | Fulton Ferry and Canarsie Bay..... | 1868 |
| Fifteenth Ward Street..... | 1889 | Fulton Ferry and Prospect Park..... | 1867 |
| Elmira, Canandaigua and Niagara Falls..... | 1887 | Fulton Ferry and Tenth Avenue..... | 1886 |
| Elmira Connecting..... | 1883 | Fulton and Montgomery County Electric..... | 1893 |
| Elmira, Cortland and Northern..... | 1884 | Fulton and Oswego Falls..... | 1886 |
| Elmira and Horseheads..... | 1871 | Fulton and Oswego Falls Street..... | 1886 |
| | | Fulton Street Crosstown..... | 1887 |

| Name of road. | When formed. | Name of road. | When formed. |
|---|--------------|---|--------------|
| Fulton, Wall Street and Cortland Street Ferry | 1885 | Harlem River and High Bridge | 1888 |
| Gallupville | 1889 | Harlem River and Port Chester | 1888 |
| Garnerville | 1875 | Harlem River and Port Chester Rapid Transit | 1889 |
| Geddes Street Railway | 1886 | Harlem River and Woodstock | 1888 |
| Genesee Falls | 1889 | Harlem River and Turrytown | 1884 |
| Genesee and Hudson | 1883 | Harlem and Riverdale Park | 1888 |
| Genesee Valley | 1886 | Hartford and Connecticut Western | 1881 |
| Genesee Valley Canal | 1880 | Hayt's Corners, Ovid and Willard | 1883 |
| Genesee Valley Junction | 1884 | Hempstead and Jamaica | 1885 |
| Genesee Valley Terminal | 1888 | Hempstead and Smithtown | 1873 |
| Genesee and Water Street | 1875 | Hempstead and Rockaway | 1879 |
| Genesee and Wyoming Valley | 1881 | Hempstead Rapid Transit | 1891 |
| Genesee | 1848 | Herkimer and Mohawk | 1871 |
| Genesee and Pittsford | 1886 | Herkimer, Newport and Poland Narrow Gauge | 1889 |
| Genesee and Canandaigua | 1878 | Herkimer, Newport and Poland Extension | 1891 |
| Genesee and Cattaraugus | 1877 | Herkimer and Trenton | 1886 |
| Genesee Electric | 1891 | Hicksville and Cold Springs Branch | 1883 |
| Genesee and Hornellsville | 1876 | Hicksville and Huntington | 1885 |
| Genesee, Hornellsville and Pine Creek | 1876 | High Bridge | 1888 |
| Genesee and Ithaca | 1870 | High Bridge Elevated Incline | 1888 |
| Genesee, Ithaca and Athens | 1874 | Highland Junction | 1881 |
| Genesee, Ithaca and Sayre | 1877 | Highland Trans-Hudson | 1881 |
| Genesee and Lyons | 1877 | Hobart Branch | 1884 |
| Genesee and Sayre | 1889 | Honeyoye | 1878 |
| Genesee and Southwestern | 1871 | Hoodick | 1883 |
| Genesee, Southwestern and Hornellsville | 1873 | Hooseac Tunnel and Saratoga Railway | 1881 |
| Genesee Surface | 1891 | Hornell Street | 1888 |
| Genesee and Van Ettenville | 1889 | Hornellsville | 1888 |
| Genesee and Waterloo | 1893 | Hornellsville and Almond Street | 1873 |
| Gilbert Elevated | 1873 | Hornellsville and Canisteo | 1888 |
| Gliboa | 1839 | Hornellsville and Cohocton Valley | 1889 |
| Glendale and East River | 1874 | Hornellsville Electric | 1891 |
| Glens Falls | 1867 | Hornellsville and West Union | 1889 |
| Glens Falls, Sandy Hill and Fort Edward | 1885 | Horseheads and Elmira Avenue | 1871 |
| Glens Falls Street | 1885 | Houston and Hoboken | 1885 |
| Glen Haven | 1893 | Houston, West Ave. and Pavia Ferry | 1874 |
| Gloversville and Kingsboro | 1874 | Hudson Avenue | 1887 |
| Gloversville, Mayfield and Northville | 1868 | Hudson and Berkshire | 1828 |
| Gloversville and Northville | 1873 | Hudson and Boston | 1865 |
| Gloversville Street Electric | 1891 | Hudson Connecting | 1887 |
| Goshen and Albany | 1842 | Hudson and Delaware | 1839 |
| Goshen and Deckertown | 1867 | Hudson Electric | 1888 |
| Goshen and New Jersey | 1887 | Hudson and Kinderhook | 1871 |
| Gouverneur and Adirondack | 1890 | Hudson and Mohawk | 1869 |
| Gouverneur and Edwards | 1890 | Hudson River | 1848 |
| Gouverneur and Oswegatchie | 1892 | Hudson River and Boston | 1885 |
| Grand Street | 1859 | Hudson River West Shore | 1887 |
| Grand Street Central Transit | 1884 | Hudson and Ft. Lawrence | 1873 |
| Grand Street Ferry and Middle Village | 1869 | Hudson, Suspension Bridge and New England | 1870 |
| Grand Street and Maspeith | 1869 | Hudson Tunnel | 1873 |
| Grand Street and Newtown | 1860 | Hudson Tunnel | 1889 |
| Grand Street, Prospect Park and Flatbush | 1870 | Hudson Tunnel, of New York | 1881 |
| Grand View Beach | 1889 | Hudson Tunnel Railway | 1880 |
| Gravesend, Flatlands, Flatbush and Brooklyn | 1890 | Hudson Valley | 1870 |
| Great Ausable | 1828 | Hudson and West Shore | 1880 |
| Great Valley and Bradford | 1881 | Hunter's Point Avenue and Calvary Cemetery | 1889 |
| Greene | 1848 | Hunter's Point and Flushing | 1873 |
| Greene | 1869 | Hunter's Point, Ravenwood and Astoria | 1884 |
| Greenpoint and Calvary | 1865 | Hunter's Point and Rockaway Beach | 1887 |
| Greenpoint and Lorimer Street | 1881 | Hunter's Point and South Side | 1870 |
| Greenpoint, Prospect Park and Greenwood | 1868 | Huntington Street | 1887 |
| Greenpoint and Williamsburgh | 1884 | Huntington Street | 1890 |
| Greenwich and Johnsonville | 1869 | Hill Street | 1875 |
| Greenwich and Johnsonville | 1874 | International | 1861 |
| Greenwich and Johnsonville Railway | 1879 | Iron Hill | 1873 |
| Greenwood and Coney Island | 1873 | Island | 1883 |
| Greenwood Lake and Port Jervis | 1888 | Ithaca | 1884 |
| Hamilton Avenue and Prospect Park | 1869 | Ithaca and Athens | 1870 |
| Hamilton Avenue, Prospect Park and Flatbush | 1868 | Ithaca and Auburn | 1836 |
| Hamilton Ferry and Canastota | 1870 | Ithaca, Auburn and Western | 1876 |
| Hancock and Pennsylvania | 1889 | Ithaca and Cortland | 1869 |
| Hancock and State Line | 1889 | Ithaca and Geneva | 1838 |
| Harlem Bridge, Morrisania and Fordham | 1863 | Ithaca and Oswego | 1838 |
| Harlem, Brook Avenue and Woodstock | 1890 | Ithaca and Port Newark | 1884 |
| Harlem Crostown | 1885 | Ithaca and Tonawanda | 1885 |
| Harlem Extension | 1870 | Interstate Traction Company | 1898 |
| Harlem and Kings Bridge | 1892 | Jackson and Steilway Avenue Railroad | 1879 |
| Harlem, Mott Haven and Morris Avenue | 1890 | Company of Long Island | 1879 |
| Harlem River | 1888 | | |

| Name of road. | When formed | Name of road. | When formed. |
|--|----------------|--|-----------------|
| Jamaica and Brooklyn Road..... | 1880 | Lexington Avenue..... | 1899 |
| Jamaica and Middle Village..... | 1886 | Lexington Avenue and Pavonia Ferry..... | 1893 |
| Jamaica, Woodhaven and Brooklyn..... | 1873 | Lincoln Park and Charlotte..... | 1898 |
| Jamestown..... | 1871 | Lima and Honeyo Falls..... | 1899 |
| Jamestown..... | 1888 | Little Falls and Dolgeville..... | 1891 |
| Jamestown and Northern..... | 1885 | Little Falls, Dolgeville and Pisco Lake..... | 1898 |
| Jamestown Short-Line Railway..... | 1886 | Little Falls, Van Hornesville and Otsego | |
| Jamestown Street..... | 1883 | Lake Narrow Gauge..... | 1899 |
| Janesville..... | 1886 | Liverpool and Syracuse..... | 1899 |
| Jerome Avenue..... | 18-9 | Lockport..... | 1886 |
| Jerome Park..... | 1880 | Lockport and Batavia..... | 1896 |
| Jerome Park Branch..... | 1876 | Lockport and Buffalo..... | 1871 |
| Jersey City and Albany..... | 1873 | Lockport and Niagara Falls..... | 1894 |
| Jersey City and Albany Railway..... | 1879 | Lockport and Northern..... | 1899 |
| Jersey City and Albany Railroad Com- | | Lockport and Olcott Beach..... | 1891 |
| pany of the States of New York and | | Lockport and Youngstown..... | 1896 |
| New Jersey..... | 1879 | Lockport Electric..... | 1891 |
| Jersey Ferries and First Avenue..... | 1885 | Locust Grove and Brighton Beach..... | 1879 |
| Johnsonville and Rutland..... | 1890 | Long Beach Marine..... | 1881 |
| Johnstown..... | 1846 | Long Island..... | 84 |
| Johnstown, Gloversville and Kingsboro..... | 1873 | Long Island Boynton Bicycle..... | 1891 |
| Jordan and Skaneateles..... | 1887 | Long Island City and Calvary Cemetery..... | 1871 |
| Junction..... | 1870 | Long Island City and Flushing..... | 1891 |
| Junction Railway..... | 1885 | Long Island City and Manhattan Beach..... | 1893 |
| Kanons and Prattsburgh..... | 1886 | Long Island City and Maspath..... | 1873 |
| Katerskill..... | 1883 | Long Island City and Newtown..... | 1898 |
| Katerskill and Plattkill..... | 1893 | Long Island City and Sea Beach..... | 1896 |
| Kesceville, Ausable Chasm and Lake | | Long Island City Shore..... | 1874 |
| Champlain..... | 1889 | Long Island Elevated Railway..... | 1896 |
| Kesceville and Montreal..... | 1889 | Long Island Electric..... | 1894 |
| Kinderhook and Hudson..... | 1889 | Long Island New York Terminal..... | 1898 |
| Kinderhook, Valatie and Struysent..... | 1897 | Long Island, North Shore Branch..... | 1899 |
| Kinderhook, Valatie and Niverville..... | 1887 | Lyons Street Surface..... | 1899 |
| Kings Bridge Cable Railway..... | 1886 | Madison Ave. and Eighty-sixth Street..... | 1886 |
| Kings Bridge, High Bridge and Forty- | | Madison Ave. and Twenty-third Street..... | 1886 |
| second Street..... | 1884 | Madison Avenue Underground..... | 1890 |
| Kings Bridge and Yonkers..... | 1876 | Madison County..... | 1894 |
| Kings County..... | 1878 | Mahopac..... | 1884 |
| Kings County Central..... | 1876 | Main and Ohio Street..... | 1899 |
| Kings County Elevated..... | 1879 | Malden..... | 1877 |
| Kings County Electric..... | 1894 | Malden..... | 1893 |
| Kingston City..... | 1879 | Malone and Canada..... | 1883 |
| Kingston City Electric..... | 1893 | Malone and St. Lawrence..... | 1891 |
| Kingston and Rondout..... | 1885 | Manhattan Beach Extension..... | 1881 |
| Kingston Turnpike and Railroad Co..... | 1845 | Manhattan Beach and West Brighton..... | 1879 |
| Kingston and Otis..... | 1893 | Manhattan Elevated..... | 1873 |
| Kingston, Warwick and Easton..... | 1883 | Manhattan Railroad..... | 1879 |
| Lackawanna and Pittsburg..... | 1883 | Manhattan Railway..... | 1874 |
| Lackawanna and Southwestern..... | 1889 | Manhattan Railway..... | 1897 |
| Lackawanna and Susquehanna..... | 1867 | Manhattan Surface..... | 1897 |
| Lackawanna, Catskill Mountain and | | Mann's Bouldier Car..... | 1893 |
| Boston..... | 1893 | Manheim and Salisbury..... | 1894 |
| Lake Champlain and Moriah..... | 1867 | Maple Avenue..... | 1897 |
| Lake Champlain and Ogdensburg..... | 1893 | Marginal..... | 1877 |
| Lake Mahopac and Connecticut..... | 1886 | Marine..... | 1878 |
| Lake Ontario..... | 1874 | Maspeth Railroad and Bridge Company..... | 1899 |
| Lake Ontario and Auburn..... | 1886 | Massena Springs and Fort Covington..... | 1894 |
| Lake Ontario, Auburn and New York..... | 1885 | Mayville Extension..... | 1891 |
| Lake Ontario and Hudson River..... | 1887 | Mayville and Portland..... | 1891 |
| Lake Ontario Shore..... | 1868 | Mechanicville and Fort Edward..... | 1890 |
| Lake Ontario Southern..... | 1890 | Medina and Darien..... | 1894 |
| Lake and River Improvement and Rail- | | Medina and Lake Ontario..... | 1896 |
| road Land Company of the New York | | Melrose and West Morrisania..... | 1896 |
| Wilderness..... | 1885 | Metropolitan Crosstown..... | 1899 |
| Lake Shore and Michigan Southern..... | 1869 | Metropolitan Elevated..... | 1873 |
| Lansingburgh and Conoes..... | 1880 | Metropolitan Elevated..... | 1873 |
| Lansingburgh and Troy..... | 1853 | Metropolitan Railroad..... | 1894 |
| Lansingburgh and Troy..... | 1873 | Metropolitan Railway..... | 1894 |
| Larchmont..... | 1888 | Metropolitan Surface..... | 1895 |
| Laurel Hill, New Calvary and Lutheran | | Metropolitan Surface..... | 1896 |
| Cemetery..... | 1883 | Metropolitan Transit..... | 1897 |
| Lawrenceville and Erie..... | 1874 | Metropolitan Transit..... | 1873 |
| Lebanon Springs..... | 1893 | Metropolitan Underground..... | 1891 |
| Lebanon Springs..... | 1893 | Middleburgh and Schoharie..... | 1867 |
| Lehigh and Hudson River..... | 1882 | Middle Central..... | 1878 |
| Lehigh Valley..... | 1883 | Middletown and Crawford..... | 1898 |
| Lehigh Valley..... | 1883 | Middletown-Goshen Traction..... | 1891 |
| Lehigh and Pavillon..... | 1893 | Middletown Horse..... | 1876 |
| Lewiston..... | 1896 | Middletown Street..... | 1899 |
| Lewiston and Youngstown..... | 1894 | Middletown Street Railroad and Power..... | 1893 |
| Lexington Ave. and Fourteenth Street..... | 1881 | Middletown, Unionville and Water Gap..... | 1896 |
| Lexington Avenue and South Ferry..... | 1886 | Middle Village..... | 1897 |

| Name of road. | When formed. | Name of road. | When formed. |
|---|--------------|---|--------------|
| Middlesex Valley | 1892 | New York and Boston Extension | 1872 |
| Midwest, Amerfort and Coney Island | 1877 | New York, Boston and Montreal | 1872 |
| Mohawk and Adirondack | 189 | New York, Brooklyn and Sea Beach | 1878 |
| Mohawk and Hudson | 1866 | New York, Brooklyn and Sea Shore | 1877 |
| Mohawk and Ilion | 1860 | New York and Brighton Beach | 1878 |
| Mohawk and Lake Erie Railway | 1881 | New York and Brooklyn Elevated | 1889 |
| Mohawk and Moose River | 1887 | New York and Brooklyn Marine | 1889 |
| Mohawk and St. Lawrence Railroad Navigation Company | 1887 | New York, Brooklyn and Manhattan Beach | 1888 |
| Mohawk and St. Lawrence | 1890 | New York, Brooklyn and Rockaway | 1881 |
| Mohawk and Susquehanna Valley | 1887 | New York, Brooklyn and Sea Beach | 1878 |
| Mohawk Valley | 1851 | New York, Brooklyn and Sea Shore | 1877 |
| Mohawk Valley and Piacco | 1881 | New York and Brighton Beach | 1878 |
| Mohawk Valley and Northern | 1890 | New York Cable | 1884 |
| Monroe and Greenwood Lake | 1877 | New York and Canada | 1872 |
| Montague Street Railway | 1885 | New York Central | 1883 |
| Montgomery and Erie | 1866 | New York District Railway | 1885 |
| Montgomery and Erie | 1866 | New York and Palisade | 1885 |
| Monticello, Fallsburgh and New York | 1889 | New York Central and Hudson River | 1889 |
| Monticello and Port Jervis | 1868 | New York Central, Hudson River and Port Orange | 1884 |
| Montreal and Plattsburgh | 1868 | New York Central Niagara River | 1877 |
| Montauk Extension | 1893 | New York, Chicago and St. Louis Railway | 1881 |
| Morris Avenue | 1885 | New York, Chicago and St. Louis | 1887 |
| Mount McGregor | 188 | New York City | 1884 |
| Mount McGregor | 1889 | New York City Crostown | 1883 |
| Mount Prospect and Carroll Street | 1873 | New York City Underground | 1883 |
| Mount Vernon and East Chester | 1865 | New York City and Northern | 1878 |
| Mount Vernon and East Chester | 1897 | New York City Rapid Transit | 1872 |
| Mount Vernon and Yonkers | 1885 | New York City Suburban Surface | 1889 |
| Mount Vernon and New York | 1892 | New York and Coney Island | 1879 |
| Myrtle Avenue Branch | 1881 | New York, Coney Island and Rockaway | 1879 |
| Nanuet and New City | 1871 | New York and Connecticut | 1848 |
| Nassau | 186 | New York, Connecticut and Eastern, of New York | 1889 |
| Nassau Cable | 1884 | New York Connecting | 1888 |
| Nassau Electric (Brooklyn) | 1893 | New York and Croton River | 1871 |
| Neverink Valley | 1889 | New York and Croton River Extension | 1872 |
| Newark | 1836 | New York Bay Extension | 1888 |
| New Brighton and Onondaga Valley | 1869 | New York, Danbury and Boston | 1883 |
| Newburgh, Dutchess and Connecticut | 1877 | New York and East River | 1888 |
| Newburgh Electric | 1894 | New York Elevated | 1871 |
| Newburgh | 1868 | New York and Erie | 1838 |
| Newburgh | 1862 | New York, Elmford and White Plains | 1888 |
| Newburgh | 1886 | New York and Flushing | 1889 |
| Newburgh and Kingston | 1869 | New York, Fordham and Bronx River | 1883 |
| Newburgh and Middletown | 1866 | New York, Fort Hamilton and Coney Island | 1880 |
| Newburgh and Midland | 1870 | New York, Greenwood and Coney Island | 1879 |
| Newburgh and Orange Lake | 1894 | New York Harbor | 1887 |
| Newburgh, New Windsor and Balmville | 1893 | New York and Harlem | 1881 |
| Newburgh and New York Railroad | 1861 | New York and Hempstead | 1871 |
| Newburgh and New York R.R. Road | 1865 | New York and Hempstead Plains | 1870 |
| Newburgh and Poughkeepsie | 1887 | New York and Highland Suspension Bridge Company | 1889 |
| Newburgh and Wallkill Valley | 1868 | New York, Housatonic and Northern | 1864 |
| New England, New York and Pennsylvania | 1878 | New York and Jamaica | 1889 |
| New England, Lackawanna and Pittsburg | 1881 | New York, Kingston and Syracuse | 1872 |
| New England and Southwestern | 1885 | New York, Lackawanna and Western | 1880 |
| New England and Western | 1887 | New York and Lake Mahopac | 1881 |
| New Hamburg and Poughkeepsie Connecting | 1898 | New York, Lake Erie and Western | 1878 |
| New Jersey and Hudson River | 1881 | New York and Long Beach | 1880 |
| New Jersey and New England | 1873 | New York and Long Island | 1887 |
| New Jersey and New York | 1875 | New York, Long Island and Rockaway | 1879 |
| New Jersey and New York Extension | 1884 | New York and Long Island Suburban | 1891 |
| New Jersey and Staten Island Junction | 1886 | New York and Mahopac | 1871 |
| New Paltz and Highland Electric | 1893 | New York and Manhattan Beach | 1877 |
| New Rochelle and Pelham | 1886 | New York, Mapleton and Van Pelt Manor | 1889 |
| New Rochelle Street Horse Railroad | 1885 | New York and Massachusetts | 1887 |
| New Rochelle Street Horse Railway | 1888 | New York and Newburgh | 1884 |
| Newtown and Flushing | 1871 | New York and New England | 1873 |
| New Williamsburgh and Flatbush | 1873 | New York, New England and Northern | 1888 |
| New York | 1860 | New York, New Haven and Hartford | 1872 |
| New York and Albany | 1832 | New York and New Jersey | 1872 |
| New York and Albany | 1867 | New York and New Jersey Railway | 1891 |
| New York and Atlantic | 1880 | New York and New Jersey Terminal | 1891 |
| New York and Atlantic Coast | 1880 | New York and New Jersey Tunnel | 1883 |
| New York, Bay Ridge and Jamaica | 1871 | New York, New Jersey and Eastern | 1882 |
| New York and Boston | 1849 | New York and New Rochelle | 1883 |
| New York and Boston | 1892 | New York Northern | 1886 |
| New York, Boston and Albany | 1880 | New York Northern | 1880 |
| New York, Boston, Albany and Schenectady | 1880 | New York Northern | 1883 |

| Name of road. | When formed. | Name of road. | When formed. |
|--|--------------|---|--------------|
| New York and Northern | 1887 | Northern Railroad Company of Long Island | 1861 |
| New York Northern Central | 1865 | Northern Blackwater and Railroad Co. | 1846 |
| New York and North Salem | 1871 | North Mount Vernon | 1893 |
| New York, Ontario and Western | 1880 | North New York | 1835 |
| New York and Oswego Midland | 1846 | North Park | 1873 |
| New York, Pennsylvania and Ohio | 1860 | North River | 1880 |
| New York, Pennsylvania and Western | 1881 | North River | 1881 |
| New York and Queens County Tunnel | 1891 | North River and Wall Street Ferry | 1868 |
| New York Quick Transit | 1874 | North Second Street and Middle Village | 1871 |
| New York Railway | 1871 | North Side of Long Island | 1867 |
| New York, Richfield Springs and Coopers-town | 1869 | North Side Railroad Co. of Rochester | 1867 |
| New York and Rockaway | 187 | North Side (Statens Island) | 1871 |
| New York and Rockaway Beach | 1876 | North Shore | 1863 |
| New York and Rockaway Beach | 1867 | North Shore of Long Island | 1870 |
| New York, Rockaway and Long Island | 1880 | North Shore and Port Washington | 1874 |
| New York, Rutland and Montreal | 1883 | North Third and Fleetwood | 1890 |
| New York and Sea Beach Railroad | 1876 | Norwood and Montreal | 1864 |
| New York and Sea Beach Railway | 1883 | Norstrand Avenue and Park | 1870 |
| New York, Sea Beach and Coney Island | 1878 | Nyack and Northern | 1868 |
| New York and South Beach | 1891 | Oak Hill Iron | 1890 |
| New York and South Side | 1874 | Oak Valley | 1863 |
| New York and South Mount Vernon | 1892 | Ocean Hay and Sheephead Bay Railway | 1881 |
| New York State | 1873 | Ocean Palace Elevated | 1877 |
| New York Suburban Railway | 1886 | Ocean Parkway Transit | 1888 |
| New York Surface Railway | 1886 | Ogdensburg | 1857 |
| New York and Troy | 1852 | Ogdensburg | 1855 |
| New York Tunnel | 1880 | Ogdensburg, Clayton and Rome | 1883 |
| New York Underground | 1880 | Ogdensburg and Lake Champlain | 1884 |
| New York Underground Extension | 1874 | Ogdensburg and Morristown | 1871 |
| New York, Utica and Ogdensburg | 1870 | Ogdensburg and Morristown | 1877 |
| New York and Westchester | 1887 | Ogdensburg Street Railway | 1886 |
| New York, Westchester and Boston | 1872 | Olean | 1880 |
| New York and Westchester County | 1859 | Olean, Bradford and Warren | 1877 |
| New York, Westchester and Putnam | 1877 | Olean Street | 1880 |
| New York, Westchester and Putnam | 1837 | Olean and Salamanca | 1888 |
| New York and Western | 1853 | Oneida | 1885 |
| New York Western Midland | 1839 | Oneida Horse | 1874 |
| New York, West Shore and Buffalo | 1880 | Oneida, Oneonta and New York | 1890 |
| New York, West Shore and Buffalo Rail-way | 1881 | Oneida Street | 1887 |
| New York, West Shore and Chicago | 1870 | Oneida Valley | 1884 |
| New York, White Plains and Mamaroneck | 1892 | One Hundred and Fifty-fifth Street | 1886 |
| New York and White Plains | 1871 | One Hundred and Sixteenth Street and Fort Lee Ferry | 1886 |
| New York, Woodhaven and Rockaway | 1877 | One Hundred and Twenty-fifth Street | 1871 |
| New York and Yonkers | 1859 | Oneonta | 1887 |
| New York and Yonkers | 1892 | Oneonta and Earlville | 1873 |
| Niagara Bridge and Canandaigua | 1848 | Oneonta and Earlville | 1880 |
| Niagara Electric | 1893 | Oneonta and Otisco Valley | 1887 |
| Niagara Falls | 1871 | Oneonta and Richfield Springs | 1889 |
| Niagara Falls Branch | 1875 | Oneonta Lake | 1890 |
| Niagara Falls, Buffalo and New York | 1852 | Ontario Southern | 1876 |
| Niagara Falls and Lake Ontario | 1852 | Orange County | 1877 |
| Niagara Falls and La Salle | 1860 | Orange County | 1880 |
| Niagara Falls and Lewiston | 1849 | Oscawana and Cornell | 1891 |
| Niagara Falls and Lewiston | 1850 | Oswining | 1888 |
| Niagara Falls and Suspension Bridge | 1862 | Oswining Electric | 1888 |
| Niagara Falls and Whirlpool Railway | 1886 | Oswining Electric | 1891 |
| Niagara Falls, Whirlpool and Northern | 189 | Oswining Street | 1892 |
| Niagara Junction | 1862 | Oswego | 1885 |
| Niagara River | 1839 | Oswego, Binghamton and New York | 1885 |
| Niagara River Street | 1890 | Oswego City (Street) | 1870 |
| Niagara River and Erie | 1889 | Oswego City and Town | 1873 |
| Niagara River and New York Air Line | 187 | Oswego and Cortland | 1886 |
| Niagara Shore Terminal | 1891 | Oswego Northern and Eastern | 1813 |
| Niagara Street | 1859 | Oswego and Rome | 1863 |
| Ninth Avenue | 1859 | Oswego and Syracuse | 1830 |
| Ninth Street, Brooklyn Ferry and Subur-ban | 1892 | Oswego and Syracuse | 1893 |
| North and East Greenbush | 1833 | Oswego and Troy | 1814 |
| North and East Greenbush | 1883 | Oswego and Utica | 1836 |
| North and East River | 1885 | Otis Elevating Railway | 1885 |
| Northern | 1845 | Otsego | 1833 |
| Northern Adirondack | 1881 | Ottawa, St. Lawrence and Schenectady | 1885 |
| Northern Adirondack Extension | 1886 | Ottawa, Waddington and New York Rail-way and Bridge Company of New York | 1884 |
| Northern Air Line | 1890 | Owasco River Railway | 1881 |
| Northern Central New York | 188 | Oyster Bay Extension | 1888 |
| Northern Extension of Rochester, Nunda and Pittsburg | 1873 | Park Avenue | 1870 |
| Northern of New Jersey | 1854 | Park Avenue | 1882 |
| Northern New York | 1870 | Peekskill Valley | 1887 |
| North New York Junction | 1891 | Peekskill | 1888 |
| | | Peiham Park | 1884 |

| Name of road. | When formed. | Name of road. | When formed. |
|---|--------------|---|--------------|
| Pelham and Port Chester | 1872 | Rhinebeck and Connecticut | 1870 |
| Pelham and Travers Island | 1889 | Rhinebeck and Rhinecliff | 1898 |
| Penfield and Canal | 1837 | Richfield Springs and Cherry Valley | 1898 |
| Pennsylvania and Erie Coal and Railway Company | 1875 | Richfield Springs and Otsego Lake | 1898 |
| Pennsylvania, Poughkeepsie and Boston | 1887 | Richmond County | 1885 |
| Pennsylvania, Statington and New England | 1882 | Riker Avenue and Sanford's Point | 1898 |
| Pennsylvania and Sodus Bay | 1870 | River Bridge | 1891 |
| Penn Yan and Geneva | 1875 | Rochester | 1888 |
| Penn Yan and New York | 1877 | Rochester | 1890 |
| People's | 1880 | Rochester Cable | 1887 |
| Peop e's (Brooklyn) | 1893 | Rochester and Canal | 1881 |
| People's Electric Street | 1888 | Rochester and Charlotte | 1898 |
| People's Rapid Transit | 1888 | Rochester and Charlotte | 1881 |
| People's Surface of Niagara Falls and Suspension Bridge | 1891 | Rochester and Charlotte Boulevard | 1878 |
| People's Surface Railway | 1885 | Rochester City and Brighton | 1898 |
| People's, Syracuse | 1887 | Rochester Electric | 1887 |
| Perry | 1882 | Rochester City and Brighton Terminal | 1887 |
| Perth Amboy | 1885 | Rochester and Genesee Valley | 1881 |
| Philadelphia, Honesdale and Albany | 1893 | Rochester and Genesee Valley Canal | 1879 |
| Philadelphia, Honesdale and Albany | 1893 | Rochester and Glen Haven | 1887 |
| Philadelphia, Reading and New England | 1892 | Rochester and Hornsby Valley | 1898 |
| Piermont and Nyack | 1884 | Rochester, Hornellsville and Lackawanna | 1888 |
| Piermont and West Shore | 1887 | Rochester, Hornellsville and Pine Creek | 1878 |
| Pine Plains and Albany | 1872 | Rochester and Irondequoit | 1878 |
| Pine Plains and Rhinebeck | 1873 | Rochester and Lake Beach | 1888 |
| Pittsburg, Chautauqua and Lake Erie | 1888 | Rochester and Lake Ontario | 1898 |
| Pittsburg, Lackawanna and Northeastern | 1883 | Rochester and Lake Ontario | 1881 |
| Pittsburg, Titusville and Buffalo | 1890 | Rochester, Lake Side and Braddocks Bay | 1881 |
| Pittsburg and Montreal | 1880 | Rochester and Lockport | 1887 |
| Pittsburg and Rouse's Point | 1881 | Rochester, Lockport and Niagara Falls | 1880 |
| Portage and Cuba Low Grade | 1882 | Rochester, New York and Pennsylvania | 1881 |
| Port Byron and Auburn | 1829 | Rochester, Nunda and Pennsylvania | 1870 |
| Port Chester and Tarrytown | 1883 | Rochester, Nunda and Pennsylvania | 1872 |
| Port Chester and Rye Beach Street | 1887 | Rochester Extension | 1878 |
| Port Chester, White Plains and Tarrytown Street | 1888 | Rochester, Nunda and Pittsburg | 1877 |
| Port Dickinson and Chenango River | 1881 | Rochester and Ontario Belt | 1898 |
| Port Jervis Electric | 1889 | Rochester and Pine Creek | 1870 |
| Port Jervis and Monticello | 1875 | Rochester and Pittsburg | 1883 |
| Port Jervis, Monticello and New York | 1886 | Rochester and Pittsburg | 1888 |
| Port Jervis and Suburban | 1889 | Rochester and Southern | 1881 |
| Port Morris and Westchester | 1881 | Rochester and Southern | 1881 |
| Port Richmond and Prohibition Park Electric | 1891 | Rochester State Line | 1870 |
| Potadam and Montreal | 1881 | Rochester and Syracuse | 1880 |
| Potadam and Watertown | 1882 | Rochester Terminal | 1886 |
| Poughkeepsie Bridge | 1898 | Rochester and Windsor Beach Railway | 1881 |
| Poughkeepsie City | 1886 | Rochester and Irondequoit | 1898 |
| Poughkeepsie and Connecticut | 1888 | Rockaway Beach and Far Rockaway Marine | 1879 |
| Poughkeepsie Connecting | 1887 | Rockaway Beach Railroad | 1871 |
| Poughkeepsie Bridge and Railroad | 1882 | Rockaway Beach Transit | 1881 |
| Poughkeepsie and Delaware Valley | 1887 | Rockaway and Brooklyn | 1883 |
| Poughkeepsie and Eastern | 1883 | Rockaway Electric | 1886 |
| Poughkeepsie and Eastern | 1898 | Rockaway Elevated | 1878 |
| Poughkeepsie Grand Junction | 1879 | Rockaway Railway | 1871 |
| Poughkeepsie and Grand Junction | 1879 | Rockaway Surf | 1880 |
| Poughkeepsie, Hartford and Boston | 1875 | Rockaway Village | 1886 |
| Poughkeepsie, Hartford and New England | 1887 | Rock and Central | 1870 |
| Poughkeepsie and Hudson | 1889 | Rockland Central Extension | 1882 |
| Poughkeepsie and Southeastern | 1886 | Rockland Lake | 1888 |
| Poughkeepsie and Southwestern | 1883 | Rockland Lake and Valley Cottage | 1888 |
| Poughkeepsie Terminal | 1887 | Rome and Boonville | 1888 |
| Poughkeepsie and Wappingers Falls | 1892 | Rome and Carthage | 1888 |
| Poughkeepsie and Millbrook | 1892 | Rome City | 1888 |
| Poughkeepsie and New Hamburg | 1888 | Rome and Clinton | 1887 |
| Prospect Park and Clarkson Street | 1878 | Rome and Port Ontario | 1887 |
| Prospect Park and Coney Island | 1887 | Rome Street | 1874 |
| Prospect Park and Coney Island | 1874 | Rome and Sylvan Beach | 1888 |
| Prospect Park and Flatbush | 1875 | Rome, Watertown and Ogdensburg | 1880 |
| Prospect Park and Sea Side | 1879 | Rome, Watertown and Ogdensburg Terminal | 1886 |
| Prospect Park and South Brooklyn | 1888 | Rondout and Kingston | 1888 |
| Putnam and Dutchess | 1871 | Rondout and Oswego | 1886 |
| Queen City Street | 1887 | Rondout and Port Jervis Railroad | 1888 |
| Queens County | 1871 | Rondout Valley | 1880 |
| Queens Highway | 1872 | Roslyn and Huntington | 1874 |
| Racket River | 1893 | Rutland and Whitehall | 1886 |
| Rapid Transit | 1890 | Rye Lake | 1874 |
| Rensselaerville and Berne | 1889 | Rye and Westchester | 1871 |
| Rensselaer and Saratoga | 1883 | Sacandaga Valley | 1871 |

| Name of road | When formed | Name of road. | When formed. |
|--|-------------|---|--------------|
| Sacketts Harbor and Ellisburgh..... | 185 | Silver Lake..... | 1870 |
| Sacketts Harbor, Rom and New York..... | 1860 | Silver Lake..... | 1877 |
| Sacketts Harbor and Saratoga..... | 1859 | Sixth Avenue..... | 1851 |
| Sacketts Harbor and Watertown..... | 1855 | Skaneateles..... | 1836 |
| Sackett Street..... | 1866 | Skaneateles..... | 1866 |
| St. Lawrence Valley..... | 1873 | Skaneateles and Jordan..... | 1841 |
| St. Nicholas Avenue and Croastown..... | 1885 | Smithtown and Port Jefferson..... | 1870 |
| Salamanca, Bedford and Allegany River..... | 1881 | Sodus Bay and Corning..... | 1873 |
| Salamanca Electric Surface..... | 1890 | Sodus Bay, Corning and New York..... | 1870 |
| Salamanca and Warren..... | 1881 | Sodus Bay and Southern..... | 1883 |
| Salina and Oakwood Railway..... | 1886 | Sodus Point and Southern..... | 1883 |
| Salina and Port Watson..... | 1829 | South Beach..... | 1889 |
| Saranac and Lake Placid..... | 1840 | South Avenue Surface..... | 1890 |
| Saratoga Electric..... | 1889 | South Brooklyn..... | 1873 |
| Saratoga and Fort Edward..... | 1882 | South Brooklyn and Bergen Street..... | 1863 |
| Saratoga and Hudson River..... | 1864 | South Brooklyn and Flatbush..... | 1866 |
| Saratoga Lake..... | 1880 | South Brooklyn Central..... | 1877 |
| Saratoga Street..... | 1887 | South Brooklyn Central..... | 1887 |
| Saratoga and Montgomery..... | 1886 | South Brooklyn Railroad and Terminal..... | 1887 |
| Saratoga and Mt. McGregor..... | 1882 | South Brooklyn Street..... | 1886 |
| Saratoga, Mt. McGregor and Lake George..... | 1882 | South Brooklyn and Park..... | 1870 |
| Saratoga Rapid Transit..... | 1890 | South Cairo and East Durham..... | 1881 |
| Saratoga and Schenecady..... | 1831 | South Ferry..... | 1874 |
| Saratoga, Schuylerville and Hoosac Tunnel..... | 1870 | South Ferry and Prospect Park..... | 1874 |
| Saratoga Springs and Schuylerville..... | 1882 | South Ferry Railroad Company..... | 1889 |
| Saratoga and St. Lawrence..... | 1885 | South Ferry and Sea Side Direct Transit..... | 1881 |
| Saratoga and St. Lawrence Extension..... | 189 | South Park..... | 1889 |
| Saratoga and Washington..... | 1844 | Southern Boulevard..... | 1885 |
| Saratoga and Whitehall..... | 1855 | Southern Central..... | 1866 |
| Saugerties Valley Electric Street..... | 1890 | Southern Hempstead Branch..... | 1875 |
| Schenectady..... | 1846 | Southern of Long Island..... | 1874 |
| Schenectady and Albany..... | 1890 | Southern Westchester..... | 1871 |
| Schenectady, Albany and North Adams..... | 1882 | Southold Branch..... | 1868 |
| Schenectady and Catskill..... | 1816 | South Side Connection..... | 1868 |
| Schenectady and Catskill..... | 1863 | South Side of Long Island..... | 1861 |
| Schenectady City..... | 1873 | Speers' Quick Transit..... | 1879 |
| Schenectady and Oneandaburg..... | 1875 | Springville and Sardinia..... | 1878 |
| Schenectady and Mechanicville..... | 1867 | Springville and Port Morris..... | 1867 |
| Schenectady and Ogdensburg..... | 1872 | Squaw Island..... | 1884 |
| Schenectady and Ogdensburg Narrow Gauge..... | 1882 | State Line and Eastern..... | 1879 |
| Schenectady and Tusquehanna..... | 1846 | State Line and Stony Point..... | 1886 |
| Schenectady and Tusquehanna..... | 1869 | Staten Island..... | 1886 |
| Schenectady and Tusquehanna..... | 1870 | Staten Island..... | 1882 |
| Schenectady and Troy..... | 1846 | Staten Island..... | 1873 |
| Schenectady and Utica Railway..... | 1865 | Staten Island Belt Line..... | 1887 |
| Schoharie and Otsego..... | 1832 | Staten Island Central..... | 1871 |
| Schoharie Street..... | 1871 | Staten Island Horse..... | 1866 |
| Schoharie Valley..... | 1865 | Staten Island Northern..... | 1886 |
| Schoharie Valley..... | 1874 | Staten Island North and South Shore..... | 1881 |
| Schoharie Valley Railway..... | 1880 | Staten Island Rapid Transit..... | 1880 |
| Schuylerville and Fort Edward..... | 1870 | Staten Island Sea Beach..... | 1889 |
| Schuylerville and Moreau..... | 1870 | Staten Island Shore..... | 1864 |
| Schuylerville and Upper Hudson..... | 1869 | Staten Island Shore..... | 1869 |
| Schuylerville and Upper Hudson..... | 1872 | Staten Island Terminal..... | 1863 |
| Scottsville and Canandaigua..... | 1838 | Steinway (Long Island City)..... | 1893 |
| Scottsville and Delaware..... | 1846 | Steinway Avenue and Bowery Bay..... | 1883 |
| Sea Beach and Brighton..... | 1886 | Steinway and Hunter's Point..... | 1874 |
| Sea Beach and Sheephead Bay..... | 1884 | Steinway and Hunter's Point..... | 1883 |
| Sea Breeze Avenue..... | 1881 | Sterling Mountain..... | 1864 |
| Sea Cliff Inclined Cable..... | 1883 | Stillwater and Mechanicville..... | 1883 |
| Sea Side Elevated..... | 1850 | St. Lawrence..... | 1893 |
| Sea Side and Brooklyn Bridge Elevated..... | 1890 | St. Lawrence and Adirondack..... | 1891 |
| Sea Side Transit..... | 1880 | St. Regis and Salmon River..... | 1893 |
| Sea View..... | 1846 | Stony Clove and Catskill Mountain..... | 1881 |
| Sea View of Coney Island..... | 188 | Suburban Rapid Transit..... | 1875 |
| Second Avenue..... | 1853 | Suburban Traction..... | 1893 |
| Seaside Bank..... | 1846 | Suspension Bridge and Erie Junction..... | 1868 |
| Seneca County..... | 1881 | Susquehanna Valley Electric Traction..... | 1893 |
| Seneca Falls and Cayuga Lake..... | 1886 | Syracuse..... | 1886 |
| Seneca Falls, Restvale and Cayuga Lake Street..... | 1886 | Syracuse..... | 1893 |
| Seneca Falls and Waterloo..... | 1886 | Syracuse and Baldwinsville..... | 1886 |
| Seneca Lake Branch..... | 1888 | Syracuse and Binghamton..... | 1887 |
| Seventh Ward Railway..... | 1886 | Syracuse, Binghamton and New York..... | 1887 |
| Sharon and Root..... | 1838 | Syracuse, Binghamton and New York..... | 1885 |
| Sheephead Bay and Coney Island..... | 1877 | Syracuse Branch New York, Utica and Ogdensburg..... | 1871 |
| Sheephead Bay and Sea Shore..... | 1865 | Syracuse and Chenango..... | 1873 |
| Sheephead Bay and Coney Island..... | 1892 | Syracuse and Chenango Valley..... | 1868 |
| Sherman Park and Westchester County..... | 1894 | Syracuse, Chenango and New York..... | 1877 |
| Silver Creek and Dunkirk..... | 1890 | Syracuse Connecting Railway..... | 1866 |
| | | Syracuse Consolidated Street..... | 1890 |
| | | Syracuse, Cortland and Binghamton..... | 1886 |

| Name of road. | When formed. | Name of road, | When formed. |
|---|--------------|---|--------------|
| Syracuse, Eastwood Heights and DeWitt. | 1890 | Twenty-eighth and Twenty-ninth Streets | 1883 |
| Syracuse Electric. | 1890 | Croastown | 1883 |
| Syracuse, Fayetteville and Manlius. | 1887 | Twenty-third Street. | 1889 |
| Syracuse and Geddes. | 1883 | Twenty-third Street. | 1872 |
| Syracuse, Geneva and Corning. | 1875 | Twenty-third Street Ferry and Newtown. | 1883 |
| Syracuse, Geneva and Corning. | 1885 | Twenty-third Street District Railway. | 1883 |
| Syracuse Junction. | 1873 | Tyrone and Geneva. | 1837 |
| Syracuse Mineral Springs. | 1867 | Ulster County. | 1836 |
| Syracuse Northern. | 1868 | Ulster and Delaware. | 1875 |
| Syracuse and Northern. | 1875 | Unadilla and Schoharie. | 1836 |
| Syracuse and Northwestern. | 1869 | Unadilla Valley. | 1890 |
| Syracuse and Northwestern. | 1874 | Union. | 1851 |
| Syracuse and Onondaga. | 1836 | Union (Buffalo). | 1869 |
| Syracuse and Onondaga. | 1883 | Union (New York city). | 1893 |
| Syracuse and Ontario. | 1882 | Union Electric of Saratoga. | 1890 |
| Syracuse, Ontario and New York. | 1883 | Union Elevated. | 1886 |
| Syracuse and Oneida Lake. | 1891 | Union Passenger Railway and Transportation Company of New York. | 1885 |
| Syracuse, Phoenix and Ontario. | 1881 | Union Pneumatic Railway. | 1887 |
| Syracuse, Phoenix and Oswego. | 1872 | Union Railroad Company. | 1857 |
| Syracuse, Phoenix and Oswego. | 1885 | Union Street. | 1890 |
| Syracuse, Phoenix and Oswego. | 1886 | Union of the City of Brooklyn. | 1884 |
| Syracuse and Rochester Direct. | 1880 | Union (Syracuse). | 1852 |
| Syracuse and South Bay. | 1886 | Union and Syracuse Straight Line. | 1882 |
| Syracuse and Southern. | 1856 | Union Terminal of the City of Buffalo. | 1884 |
| Syracuse and Southwestern. | 1876 | Union Village and Johnsonville. | 1867 |
| Syracuse and Southwestern. | 1877 | Union (of Westchester). | 1850 |
| Syracuse St. ne. | 1836 | United States and Canada. | 1883 |
| Syracuse and Utica. | 1846 | United States and Canada. | 1888 |
| Syracuse, Union Street. | 1884 | United States Harvey-way Construction Company. | 1889 |
| Syracuse Utica Direct. | 1853 | Upper Hudson. | 1872 |
| Tenth Avenue and Grand Street. | 1860 | Uptown Fifth Avenue. | 1885 |
| Terminal Underground. | 1886 | Utica, Adirondack and Saratoga. | 1888 |
| Terminal non. | 1889 | Utica Belt Line. | 1896 |
| Third Avenue. | 1853 | Utica and Binghamton. | 1863 |
| Third Avenue and Fordham. | 1861 | Utica and Black River. | 1881 |
| Third Street (Newburgh). | 1887 | Utica and Black River. | 1882 |
| Third Ward Railway. | 1886 | Utica and Black River. | 1886 |
| Thirty-eighth and Thirty-ninth Streets | | Utica, Chenango and Cortland. | 1870 |
| Croastown. | 1884 | Utica, Chenango and Susquehanna Valley. | 1866 |
| Thirty-first Street. | 1885 | Utica City. | 1882 |
| Thirty-fourth Street. | 1884 | Utica, Clinton and Binghamton. | 1868 |
| Thirty-fourth Street Ferry and Eleventh Avenue. | 1885 | Utica and Deerfield Street. | 1871 |
| Thirty-second Street. | 1880 | Utica and Fair-ground. | 1875 |
| Tillie Foster Mine. | 1889 | Utica, Georgetown and Elmira. | 1870 |
| Thoonderoga. | 1889 | Utica, Horseheads and Elmira. | 1870 |
| Tioga and Erie. | 1866 | Utica and Ilion Narrow Gauge. | 1877 |
| Tioga and Savonia. | 1875 | Utica, Ithaca and Elmira. | 1872 |
| Tirolli Hollow. | 1868 | Utica, Ithaca and Elmira Railway Co. | 1878 |
| Tonawanda. | 1832 | Utica and Mohawk. | 1874 |
| Tonawanda, Genesee Valley and Pine Creek. | 1888 | Utica and Mohawk (Street). | 1869 |
| Tonawanda Electric. | 1890 | Utica and Schenectady. | 1882 |
| Tonawanda Street. | 1890 | Utica and Susquehanna. | 1832 |
| Tonawanda Valley. | 1880 | Utica and Syracuse Air Line. | 1880 |
| Tonawanda Valley and Cuba. | 1881 | Utica and Syracuse Railway. | 1865 |
| Tonawanda Valley and Cuba. | 1881 | Utica and Unadilla Valley. | 1888 |
| Tonawanda Valley Extension. | 1881 | Utica and Waterville. | 1854 |
| Tonawanda, Wiscoy and Genesee Valley. | 1882 | Utica and Waterville. | 1867 |
| Transit. | 1872 | Valatie and Kinderhook Street. | 1889 |
| Trenton and Sacketts Harbor. | 1877 | Van Nest, West Farms and Westchester Traction. | 1889 |
| Troy and Albion. | 1866 | Valley. | 1889 |
| Troy and Averil Park. | 1886 | Van Brunt Street and Erie Basin. | 1881 |
| Troy and Bannington. | 1851 | Wakefield and Westchester Traction. | 1882 |
| Troy and Boston. | 1849 | Wal Street Ferry. | 1888 |
| Troy and Chatham. | 1862 | Walkill Valley. | 1877 |
| Troy City. | 1867 | Walkill Valley Railway. | 1866 |
| Troy and Cohoes. | 1862 | Warren County. | 1832 |
| Troy and Greenburgh. | 1845 | Warren, Sugar Grove and Mayville. | 1885 |
| Troy and Lansingburgh. | 1860 | Warsaw and Le Roy. | 1854 |
| Troy and Lansingburgh. | 1880 | Warwick. | 1837 |
| Troy and N. W. England. | 1889 | Warwick Valley. | 1860 |
| Troy and Rutland. | 1849 | Washington Bridge, Tremont and Westchester. | 1890 |
| Troy and Saratoga. | 1871 | Washington County. | 1867 |
| Troy, Saratoga and Northern. | 1896 | Washington County Central. | 1865 |
| Troy and Stockbridge. | 1836 | Washington County, Asylum and Park. | 1867 |
| Troy and Susquehanna. | 187 | Washington Street and State Asylum. | 1872 |
| Troy Turnpike and Railroad. | 1881 | Water and Union Street. | 1872 |
| Troy Union. | 1851 | Waterford and Cohoes. | 1888 |
| Troy and Utica. | 1853 | Waterford and Cohoes. | 1883 |
| Tunnel Extension. | 1882 | | |
| Twenty-eighth and Thirtieth Street. | 1884 | | |

| Name of road. | When formed. | Name of road. | When formed. |
|---|-----------------|--|-----------------|
| Watertown and Brownville Street..... | 1890 | West Side..... | 1887 |
| Watertown and Cape Vincent..... | 1886 | West Side (Elmira)..... | 1891 |
| Watertown and Rome..... | 1882 | West Side Elevated Patent Railway..... | 1898 |
| Watertown Street Railway..... | 1887 | West Side (New York)..... | 1892 |
| Watervliet and Schoenectady..... | 1886 | West Side of Rochester..... | 1887 |
| Watervliet Turnpike and Railroad..... | 1862 | West Side and Yonkers Patent..... | 1896 |
| Watkins and Havana Street..... | 1872 | West Troy and Green Island..... | 1870 |
| Waverly and State Line..... | 1887 | West Water Street..... | 1890 |
| Wellsville, Bolivar and Eldred..... | 1881 | Williamsport and Binghamton..... | 1887 |
| Wellsville, Coudersport and Pine Creek..... | 1882 | Wilson Terminal..... | 1889 |
| Wellsville and Fillmore..... | 1889 | Wharton Valley..... | 1888 |
| Wellsville, Honeoye and Ceres..... | 1889 | Whitehall and Plattsburgh..... | 1848 |
| West Brooklyn..... | 1887 | Whitehall and Plattsburgh..... | 1896 |
| West Brooklyn Electric..... | 1890 | Whitehall and Rutland..... | 1882 |
| West Davenport..... | 189 | Whitestone and Westchester..... | 1872 |
| Westchester..... | 1863 | Whitestone and College Point..... | 1893 |
| Westchester County..... | 1866 | Williamsbridge, Woodlawn and West- | |
| Westchester County..... | 1878 | chester..... | 1891 |
| Westchester County..... | 1884 | Williamsbridge and Westchester Traction..... | 1898 |
| Westchester County and New York | | Williamsburgh and Coney Island..... | 1894 |
| City..... | 1890 | Williamsburgh and Flatbush..... | 1896 |
| Westchester Electric..... | 1891 | Williamsburgh and Newton..... | 1896 |
| Westchester and Putnam..... | 1891 | Williamsport and Elmira..... | 1890 |
| Westchester Railway..... | 1881 | Williamstown and Redfield..... | 1896 |
| Westchester and Long Island Tunnel..... | 1898 | Windsor Beach and Ontario..... | 1887 |
| West End and Glenwood..... | 1876 | Woodlawn and Butternut..... | 1886 |
| West Farms and Westchester Traction..... | 1892 | Yates Avenue and Flatbush..... | 1890 |
| Western New York and Pennsylvania..... | 1887 | Yonkers..... | 1872 |
| Westfield and Chautauqua..... | 1886 | Yonkers..... | 1888 |
| Westport and Kingdom..... | 1868 | Yonkers, Mt. Vernon, Pelham and New | |
| West Shore..... | 1863 | Rochelle..... | 1891 |
| West Shore..... | 1884 | Yonkers and New York..... | 1891 |
| West Shore Hudson River..... | 1868 | Yonkers Rapid Transit..... | 1879 |
| West Shore and International Bridge..... | 1882 | Yonkers street..... | 1886 |
| West Side..... | 1864 | Youngstown and Buffalo..... | 1888 |

LAWS APPLICABLE TO RAILROAD COMPANIES.

[COMPILED BY THE BOARD OF RAILROAD COMMISSIONERS.]

FIRST—CHAPTER 95, LAWS OF 1890, KNOWN AS THE
“CONDEMNATION LAW.”

SECOND—CHAPTER 563, LAWS OF 1890, KNOWN AS THE
“GENERAL CORPORATION LAW.”

THIRD—CHAPTER 564, LAWS OF 1890, KNOWN AS THE
“STOCK CORPORATION LAW.”

FOURTH—CHAPTER 565, LAWS OF 1890, KNOWN AS THE
“RAILROAD LAW.”

INCLUDING ALL AMENDMENTS TO SAID LAWS MADE BY
THE LEGISLATURES OF 1891, 1892, 1893 and 1894.

(Of the above-named acts the first went into effect May 1, 1890; the other three went into effect May 1, 1891.)

To these are appended such other laws of a general character, applicable to railroad companies and the management of their roads, as were in effect prior to May 1, 1891, and which are not in terms repealed by the provisions of any of the above-mentioned acts; including certain acts relative to “Town-Bonding” and “Taxation,” contained in the compilation of laws heretofore published by the Board in volume 1 of its annual report. To the above have also been added the Rapid Transit Act (so-called), being chapter 4, Laws of 1891, and amendments to same, and the Interstate Commerce Act (so-called).

Chapter twenty-three of the Code of Civil Procedure.

CHAPTER 95, LAWS OF 1890.

AN ACT to amend the Code of Civil Procedure.

SUPPLEMENTAL PROVISIONS.

TITLE I.

PROCEEDINGS FOR THE CONDEMNATION OF REAL PROPERTY.

SECTION 3357. Condemnation law.—This title shall be known as the condemnation law.

§ 3358. Terms used defined.—The term “person,” when used herein, includes a corporation, joint stock association, the state and a political division thereof, as well as a natural person; the term “real property,” any right, interest or easement therein or appurtenance thereto; and the term “owner,” all persons having any estate, interest, or easement in the property to be taken, or any lien, charge or incumbrance thereon. The person instituting the proceedings shall be termed the plaintiff; and the person against whom the proceeding is brought, the defendant.

§ 3359. Title to real estate, how acquired.—Whenever any person is authorized to acquire title to real property, for a public use by condemnation the proceeding for that purpose shall be taken in the manner prescribed in this title.

§ 3360. Petition to supreme court; petition, what to contain.—The proceeding shall be instituted by the presentation of a petition by the plaintiff to the supreme court setting forth the following facts:

1. His name, place of residence, and the business in which engaged; if a corporation or joint stock association, whether foreign or domestic, its principal place of business within the state, the names and places of residence of its principal officers, and of its directors, trustees or board of managers, as the case may be, and the object or purpose of its incorporation or associations;* if a political division of the state

* So in the original.

the names and places of residence of its principal officers; and if the state, the name and place of residence of the officer acting in its behalf in the proceeding.

2. A specific description of the property to be condemned and its location, by metes and bounds, with reasonable certainty.

3. The public use for which the property is required and a concise statement of the facts showing the necessity of its acquisition for such use.

4. The names and places of residence of the owners of the property; if an infant, the name and place of residence of his general guardian, if he has one, if not, the name and place of residence of the person with whom he resides; if a lunatic, idiot, or habitual drunkard, the name and place of residence of his committee or trustee, if he has one; if not, the name and place of residence of the person with whom he resides. If a non-resident, having an agent or attorney residing in the state authorized to contract for the sale of the property, the name and place of residence of such agent or attorney; if the name or place of residence of any owner can not after diligent inquiry be ascertained, it may be so stated with a specific statement of the extent of the inquiry which has been made.

5. That the plaintiff has been unable to agree with the owner of the property for its purchase and the reason of such inability.

6. The value of the property to be condemned.

7. A statement that it is the intention of the plaintiff, in good faith, to complete the work or improvement, for which the property is to be condemned; and that all the preliminary steps required by law have been taken to entitle him to institute the proceeding.

8. A demand for relief, that it may be adjudged that the public use requires the condemnation of the real property described, and that the plaintiff is entitled to take and hold such property for the public use specified, upon making compensation therefor, and that commissioners of appraisal be appointed to ascertain the compensation to be made to the owners for the property so taken.

§ 3361. Notice of presentation of petition ; service of petition and notice. — There must be annexed to the petition a notice of the time and place at which it will be presented to a special term of the supreme court, held in the judicial district where the property or some portion of it is situated, and a copy of the petition and notice must be served upon all the owners of the property at least eight days prior to its presentation.

§ 3362. **Service, how made.**—Service of the petition and notice must be made in the same manner as the service of a summons in an action in the supreme court is required to be made, and all the provisions of articles one and two of title one of chapter five of this act, which relate to the service of a summons, either personally or in any other way, and the mode of proving service, shall apply to the service of the petition and notice. If the defendant has an agent or attorney residing in this state, authorized to contract for the sale of the real property described in the petition, service upon such agent or attorney will be sufficient service upon such defendant. In case the defendant is an infant of the age of fourteen years or upwards, a copy of the petition and notice shall also be served upon his general guardian, if he has one, if not, upon the person with whom he resides.

§ 3363. **Duty of general guardian, committee or trustee ; court when to appoint guardian ad litem ; when attorney for defendant.**— If a defendant is an infant, idiot, lunatic or habitual drunkard, it shall be the duty of his general guardian, committee or trustee, if he has one, to appear for him upon the presentation of the petition and attend to his interests, and in case he has none, or in case his general guardian, committee or trustee fails to appear for him, the court shall, upon the presentation of the petition and notice, with proof of service, without further notice, appoint a guardian ad litem for such defendant, whose duty it shall be to appear for him and attend to his interest in the proceeding, and, if deemed necessary to protect his rights, the court may require a general guardian, committee or trustee, or a guardian ad litem to give security in such sum and with such sureties as the court may approve. If a service other than personal has been made upon any defendant, and he does not appear upon the presentation of the petition, the court shall appoint some competent attorney to appear for him and attend to his interests in the proceeding.

§ 3364. **Appearance of parties ; service of papers.**— The provisions of the law and of the rules and practice of the court, relating to the appearance of parties in person or by attorney in actions in the supreme court, shall apply to the proceeding from and after the service of the petition, and all subsequent orders, notices and papers may be served upon the attorney appearing and upon a guardian ad litem in the same manner and with the same effect as the service of papers in an action in the supreme court may be made.

§ 3365. **Answer to petition.** — Upon the presentation of the petition and notice with proof of service thereof, an owner of the property may appear and interpose an answer, which must contain a general or specific denial of each material allegation of the petition controverted by him, or of any knowledge or information thereof sufficient to form a belief, or a statement of new matter constituting a defense to the proceeding.

§ 3366. **Verification of petition and answer.** — A petition or answer must be verified, and the provisions of this act relating to the form and contents of the verification of pleadings in courts of record, and the persons by whom it may be made, shall apply to the verification.

§ 3367. **Trial of issue and decision thereon.** — The courts shall try any issue raised by the petition and answer at such time and place as it may direct, or it may order the same to be referred to a referee to hear and determine, and upon such trial the court or referee shall file a decision in writing, or deliver the same to the attorney for the prevailing party, within twenty days after the final submission of the proofs and allegations of the parties, and the provisions of this act relating to the form and contents of decisions upon the trial of issues of fact by the court or a referee, and to making and filing exceptions thereto, and the making and settlement of a case for the review thereof upon appeal, and to the proceedings which may be had, in case such decision is not filed or delivered within the time herein required, and to the powers of the court and referee upon such trial, shall be applicable to a trial and decision under this title.

§ 3368. **Provisions applicable.** — The provisions of title one of chapter eight of this act shall also apply to proceedings had under this title.

§ 3369. **Judgment, entry of; in favor of plaintiff; commissioners of appraisal, appointment of.** — Judgment shall be entered pursuant to the direction of the court or referee in the decision filed. If in favor of the defendant, the petition shall be dismissed with costs, to be taxed by the clerk at the same rates as are allowed of course to a defendant prevailing in an action in the supreme court, including the allowance for proceedings before and after notice of trial. If the decision is in favor of the plaintiff, or if no answer has been interposed and it appears from the

petition that he is entitled to the relief demanded, judgment shall be entered, adjudging that the condemnation of the real property described is necessary for the public use, and that the plaintiff is entitled to take and hold the property for the public use specified, upon making compensation therefor, and the court shall thereupon appoint three disinterested and competent freeholders, residents of the county where the real property or some part of it is situated, or of some adjoining county, commissioners to ascertain the compensation to be made to the owners for the property to be taken for the public use specified, and fix the time and place for the first meeting of the commissioners. If a trial has been had, at least eight days notice of such appointment must be given to all defendants who have appeared.

§ 3370. Duty of commissioners; report; compensation.

—The commissioners shall take and subscribe the constitutional oath of office. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them, from time to time, in their discretion. Whenever they meet, except by appointment of the court or pursuant to adjournment, they shall cause at least eight days notice of such meeting to be given to the defendants who have appeared, or their agents or attorneys. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony taken by them, if any, to writing, and after the testimony in each case is closed, they, or a majority of them, all being present, shall, without unnecessary delay ascertain and determine the compensation which ought justly to be made by the plaintiff to the owners of the property appraised by them; and, in fixing the amount of such compensation, they shall not make any allowance or deduction on account of any real or supposed benefits which the owners may derive from the public use, for which the property is to be taken, or the construction of any proposed improvement connected with such public use. But in case the plaintiff is a railroad corporation and such real property shall belong to any other railroad corporation, the commissioners on fixing the amount of such compensation, shall fix the same at its fair value for railroad purposes. They shall make a report of their proceedings to the supreme court with the minutes of the testimony taken by them, if any; and they shall each be entitled to six dollars for services, for every day they are actually engaged in the performance of their duties, and their necessary expenses, to be paid by the plaintiff.

§ 3371. Confirmation of report ; rehearing before commissioners ; final order ; deposit of money deemed payment.— Upon filing the report of the commissioners, any party may move for its confirmation at a special term, held in the district where the property or some part of it is situated, upon notice to the other parties who have appeared, and upon such motion, the court may confirm the report, or may set it aside for irregularity, or for error of law in the proceedings before the commissioners, or upon the ground that the award is excessive or insufficient. If the report is set aside, the court may direct a rehearing before the same commissioners, or may appoint new commissioners for that purpose, and the proceedings upon such rehearing shall be conducted in the manner prescribed for the original hearing, and the same proceedings shall be had for the confirmation of the second report, as are herein prescribed for the confirmation of the first report. If the report is confirmed, the court shall enter a final order in the proceedings, directing that compensation shall be made to the owners of the property, pursuant to the determination of the commissioners, and that upon payment of such compensation, the plaintiff shall be entitled to enter into the possession of the property condemned, and take and hold it for the public use specified in the judgment. Deposit of the money to the credit of, or payable to the order of the owner, pursuant to the direction of the court, shall be deemed a payment within the provisions of this title.

§ 3372. Offer to purchase by plaintiff ; notice of acceptance of offer ; costs and allowances.— In all cases where the owner is a resident and not under legal disability to convey title to real property the plaintiff, before service of his petition and notice, may make a written offer to purchase the property at a specified price, which must within ten days thereafter be filed in the office of the clerk of the county where the property is situated; and which can not be given in evidence before the commissioners; or considered by them. The owner may at the time of the presentation of the petition, or at any time previously, serve notice in writing of the acceptance of plaintiff's offer, and thereupon the plaintiff may, upon filing the petition, with proof of the making of the offer and its acceptance, enter an order that upon payment of the compensation agreed upon, he may enter into possession of the real property described in the petition, and take and hold it for the public use therein specified. If the offer is not accepted, and the compensation awarded by the commissioners does not exceed the amount of the offer with interest from the time it was made, no costs

§ 3377. **New appraisal.**— On the hearing of the appeal from the final order the court may direct a new appraisal before the same or new commissioners in its discretion, and the report of such commissioners shall be final and conclusive upon all parties interested. If the amount of the compensation to be paid is increased by the last report, the difference shall be a lien upon the land appraised, and shall be paid to the parties entitled to the same, or shall be deposited as the court shall direct; and if the amount is diminished, the difference shall be refunded to the plaintiff by the party to whom the same may have been paid, and judgment therefor may be rendered by the court, on the filing of the last report, against the parties liable to pay the same.

§ 3378. **Adverse and conflicting claimants to money.**— If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the property taken, the court may direct the money to be paid into the court by the plaintiff, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts on which such determination and direction are to be made.

§ 3379. **Power of court to prevent disturbance of possession.**— At any stage of the proceeding the court may authorize the plaintiff, if in possession of the property sought to be condemned, to continue in possession, and may stay all actions or proceedings against him on account thereof, upon giving security, or depositing such sum of money as the court may direct to be held as security for the payment of the compensation which may be finally awarded to the owner therefor and the costs of the proceeding, and in every such case the owner may conduct the proceeding to a conclusion, if the plaintiff delays or neglects to prosecute the same.

§ 3380. **Entry upon the use of property after answer has been interposed.**— When an answer to the petition has been interposed, and it appears to the satisfaction of the court that the public interests will be prejudiced by delay, it may direct that the plaintiff be permitted to enter immediately upon the real property to be taken, and devote it temporarily to the public use specified in the petition, upon depositing with the court the sum stated in the answer as the value of the property, and which sum shall be applied, so far as it may be necessary for that purpose, to the payment of the award that may be made, and the cost and expenses of the proceeding, and the residue, if any,

returned to the plaintiff, and in case the petition should be dismissed, or no award should be made, or the proceedings should be abandoned by the plaintiff, the court shall direct that the money so deposited, so far as it may be necessary, shall be applied to the payment of any damages which the defendant may have sustained by such entry upon and use of his property, and his costs and expenses of the proceeding, such damages to be ascertained by the court, or a referee to be appointed for that purpose, and if the sum so deposited shall be insufficient to pay such damages, and all costs and expenses awarded to the defendant, judgment shall be entered against the plaintiff for the deficiency, to be enforced and collected in the same manner as a judgment in the supreme court; and the possession of the property shall be restored to the defendant.

§ 3381. Notice of pendency of proceedings ; effect thereof ; duty of county clerk.— Upon service of the petition, or at any time afterwards before the entry of the final order, the plaintiff may file in the clerk's office of each county where any part of the property is situated, a notice of the pendency of the proceeding, stating the names of the parties, and the object of the proceeding, and containing a brief description of the property affected thereby, and from the time of filing such notice shall be constructive notice to a purchaser, or incumbrancer of the property affected thereby, from or against a defendant with respect to whom the notice is directed to be indexed as herein prescribed, and a person whose conveyance or incumbrance is subsequently executed or subsequently recorded, is bound by all proceedings taken in the proceeding after the filing of the notice to the same extent as if he was a party thereto. The county clerk must immediately record such notice when filed in the book in his office kept for the purpose of recording notices of pendency of actions, and index it to the name of each defendant specified in the direction appended at the foot of the notice, and subscribed by the plaintiff or his attorney.

§ 3382. Power of court to make all necessary orders, etc.— In all proceedings under this title, where the mode or manner of conducting all or any of the proceedings therein is not expressly provided for by law, the court before whom such proceedings may be pending, shall have the power to make all necessary orders and give necessary directions to carry into effect the object and intent of this title, and of the several acts conferring authority to condemn lands for public use, and the practice in such cases shall conform, as near as may be, to the ordinary practice in such court.

§ 3383. **Repeal.**—So much of all acts and parts of acts as prescribe a method of procedure in proceedings for the condemnation of real property for a public use is repealed, except such acts and parts of acts as prescribe a method of procedure for the condemnation of real property for public use as a highway, or as a street, avenue, or public place in an incorporated city or village, or as may prescribe methods of procedure for such condemnation for any public use for, by, on behalf, on the part, or in the name of the corporation of the city of New York, known as the mayor, aldermen, and commonalty of the city of New York, or by whatever name known, or by or on the application of any board, department, commissioners or other officers acting for or on behalf or in the name of such corporation or city, or where the title to the real property so to be acquired vests in such corporation or in such city; and all proceedings for the condemnation of real property embraced within the exceptions enumerated in this section are exempted from the operation of this title. (Thus amended by chap. 247, Laws of 1890.)

§ 3384. **Title, when to take effect.**—This title shall take effect on the first day of May, one thousand eight hundred and ninety, and shall not affect any proceeding previously commenced.

TITLE II.

PROCEEDINGS FOR THE SALE OF CORPORATE REAL PROPERTY.

SECTION 3390. **Proceedings on application to sell, mortgage, etc., property.**—Whenever any corporation or joint stock association is required by law to make application to the court for leave to mortgage, lease or sell its real estate, the proceeding therefor shall be had pursuant to the provisions of this title.

§ 3391. **Petition to court; petition, what to contain; verification.**—The proceedings shall be instituted by the presentation to the supreme court of the district or the county court of the county where the real property, or some part of it, is situated, by the corporation, or association, applicant, of a petition setting forth the following facts:

1. The name of the corporation or association, and of its directors, trustees or managers, and of its principal officers, and their places of residence.
2. The business of the corporation or association, or the object or purpose of its incorporation or formation, and a reference to the statute under which it was incorporated or formed.

3. A description of the real property to be sold, mortgaged or leased, by metes and bounds, with reasonable certainty.

4. That the interests of the corporation or association will be promoted by the sale, mortgage or lease, of the real property specified, and a concise statement of the reasons therefor.

5. That such sale, mortgage or lease has been authorized, by a vote of at least two-thirds of the directors, trustees or managers of the corporation or association, at a meeting thereof, duly called and held, and a copy of the resolution granting such authority.

6. The market value of the remaining real property of the corporation or association, and the cash value of its personal assets, and the total amount of its debts and liabilities, and how secured, if at all.

7. The application proposed to be made of the moneys realized from such sale, mortgage or lease.

8. Where the consent of the shareholders, stockholders or members of the corporation or association, is required by law to be first obtained, a statement that such consent has been given, and a copy of the consent or a certified transcript of the record of the meeting at which it was given shall be annexed to the petition.

9. A demand for leave to mortgage, lease or sell the real estate described.

The petition shall be verified in the same manner as a verified pleading in an action in a court of record.

§ 3392. Hearing of application. — Upon presentation of the petition, the court may immediately proceed to hear the application, or it may, in its discretion, direct that notice of the application shall be given to any person interested therein, as a member, stockholder, officer or creditor of the corporation or association, or otherwise, in which case the application shall be heard at the time and place specified in such notice, and the court may in any case appoint a referee to take the proofs and report the same to the court, with his opinion thereon.

§ 3393. Court may grant application; appearance on hearing. — Upon the hearing of the application, if it shall appear, to the satisfaction of the court, that the interests of the corporation or association will be promoted thereby, an order may be granted authorizing it to sell, mortgage or lease the real property described in the petition, or any part thereof, for such sum, and upon such terms as the court may prescribe, and directing what disposition shall be made of the proceeds of such sale, mortgage or lease.

Any person, whose interests may be affected by the proceeding, may appear upon the hearing and show cause why the application should not be granted.

§ 3394. **Notices to creditors on application of insolvent corporation, etc.** — If the corporation or association is insolvent, or its property and assets are insufficient to fully liquidate its debts and liabilities, the application shall not be granted, unless all the creditors of the corporation have been served with a notice of the time and place at which the application will be heard.

§ 3395. **Service of notices.** — Service of notices, provided for in this title, may be made either personally or, in case of absence, by leaving the same at the place of residence of the person to be served, with some person of mature age and discretion, at least eight days before the hearing of the application, or by mailing the same, duly enveloped and addressed and postage paid, at least sixteen days before such hearing.

§ 3396. **Power of court to make all necessary orders.** — In all applications made under this title, where the mode or manner of conducting any or all of the proceedings thereon are not expressly provided for, the court before whom such application may be pending, shall have the power to make all the necessary orders and give the proper directions to carry into effect the object and intent of this title, or of any act authoring the sale of corporate real property, and the practice in such cases shall conform, as near as may be, to the ordinary practice in such court.

§ 3397. **Title, when to take effect.** — This title shall take effect May first, one thousand eight hundred and ninety, and shall not affect any proceeding previously commenced.

PROCEEDINGS TO CHANGE THE NAME OF A CORPORATION.

§ 2411. **Petition by corporation.**—A petition to assume another corporate name may be made by a domestic corporation, whether incorporated by a general or special law, to the supreme court at a special term thereof, held in the judicial district in which its principal business office shall be situated, or, if it be other than a stock corporation, at a special term held in the judicial district in which its certificate of incorporation is filed or recorded, or in which its principal property is situated, or in which its principal operations are or theretofore have been conducted. If it be a banking, insurance or railroad corporation, the petition must be authorized by a resolution of the directors of the corporation, and approved, if a banking corporation, by the superintendent of banks; if an insurance corporation, by the superintendent of insurance, and if a railroad corporation, by the board of railroad commissioners. The petition to change the name of any other corporation must have annexed thereto a certificate of the secretary of state, that the name which such corporation proposes to assume is not the name of any other domestic corporation or a name which he deems so nearly resembling it, as to be calculated to deceive. (*Thus amended by chap. 366, Laws 1893.*)

§ 2412. **Contents of petition.**—The petition must be in writing, signed by the petitioner and verified in like manner as a pleading in a court of record, and must specify the grounds of the application, the name, age and residence of the individual whose name is proposed to be changed, and the name which he proposes to assume, and if the petitioner be a corporation, its present name, and the name it proposes to assume, which must not be the name of any other corporation, or a name so nearly resembling it as to be calculated to deceive; and if it be a railroad corporation, a corporation having banking powers or the power to make loans upon pledges or deposits, or to make insurances, that the petition has been duly authorized by a resolution of the directors of the corporation and approved by the proper officer. (*Thus amended by chap. 366, Laws 1893.*)

§ 2413. **Notice of presentation of petition.**—If the petition be to change the name of an infant, and is made by the infant's next friend, notice of the time and place at which the petition will be presented must be served upon the father, or if he is dead or can not be found, upon the mother, or if both are dead or can not be found, upon the general guardian or guardian of the person of the infant, in like

order amending any of the papers or proceedings therein, by the substitution of the new name, without costs and without prejudice to the action or proceeding. (*Thus amended by chap. 366, Laws 1893.*)

§ 2417. Reports by clerks to state officers.—The clerk of each county and of each court, shall annually, in the month of December, report to the secretary of state all changes of names of individuals or of corporations, which have been made in pursuance of orders filed in their respective offices during the past year and since the last previous report, and also report in like manner to the superintendent of banks all changes of the names of banking corporations, and to the superintendent of insurance all changes of names of corporations authorized to make insurances. The secretary of state must cause to be published, in the next volume of the session laws a tabular statement showing the original name of each person and corporation and the name which he or it has been authorized to assume. (*Thus amended by chap. 366, Laws 1893.*)

CHAP. 687.

AN ACT to amend the general corporation law.

The general corporation law is amended to read as follows, to take effect immediately :

CHAPTER XXXV OF THE GENERAL LAWS.

THE GENERAL CORPORATION LAW.

- SECTION**
1. Short title.
 2. Classification of corporations.
 3. Definitions.
 4. Qualifications of incorporators.
 5. Filing and recording certificates of incorporation.
 6. Corporations of the same name prohibited.
 7. Amended and supplemental certificates.
 8. Lost or destroyed certificates.
 9. Certificate and other papers as evidence.
 10. Prohibition of other than statutory powers.
 11. Grant of general powers.
 12. Limitation of amount of property of a non-stock corporation.
 13. Acquisition of additional real property.
 14. Acquisition of property in other states.
 15. Certificate of authority of a foreign corporation.
 16. Proof to be filed before granting certificate.
 17. Acquisition of real property in this state by certain foreign corporations.
 18. Acquisition by foreign corporations of real property in this state upon judicial sales.
 19. Prohibition of banking powers.
 20. Qualification of members as voters.
 21. Proxies.
 22. Challenges.
 23. Effect of failure to elect directors.
 24. Mode of calling special election of directors.
 25. Mode of conducting special election of directors.
 26. Qualification of voters and canvass of votes at special elections.
 27. Powers of supreme court respecting elections.
 28. Stay of proceedings in actions collusively brought.
 29. Quorum of directors and power of majority.
 30. Directors as trustees in case of dissolution.

SECTION 31. Forfeiture for non-user.

32. Extension of corporate existence.
33. Conflicting corporate laws.
34. Laws repealed.
35. Saving clause.
36. Construction.
37. Law revived.

SECTION 1. Short title.—This chapter shall be known as the general corporation law.

§ 2. Classification of corporations.—A corporation shall be either,

1. A municipal corporation,
2. A stock corporation,
3. A non-stock corporation, or
4. A mixed corporation.

A stock corporation shall be either,

1. A monied corporation,
2. A transportation corporation, or
3. A business corporation.

A non-stock corporation shall be either,

1. A religious corporation, or
2. A membership corporation.

A mixed corporation shall be either,

1. A cemetery corporation,
2. A library corporation,
3. A co-operative corporation,
4. A board of trade corporation, or
5. An agricultural and horticultural corporation.

A transportation corporation shall be either,

1. A railroad corporation, or
2. A transportation corporation other than a railroad corporation.

A membership corporation shall include benevolent orders and fire and soldiers' monument corporations.

A reference in a general law to a class of corporations described in accordance with this classification shall include all corporations theretofore formed belonging to such class.

§ 3. Definitions.—A municipal corporation includes a county, town, school district, village and city and any other territorial division of the state established by law with powers of local government.

A stock corporation is a corporation having capital stock divided into shares.

A mixed corporation is a corporation which may or may not have capital stock at its option.

A monied corporation is a corporation formed under or subject to the banking or the insurance law.

A domestic corporation is a corporation incorporated by or under the laws of the state or colony of New York. Every corporation, which is not a domestic corporation, is a foreign corporation.

The term, directors, when used in relation to corporations, shall include trustees or other persons, by whatever name known, duly appointed or designated to manage the affairs of the corporation.

The term, certificate of incorporation, shall include articles of association or any other written instruments required by law to be filed, to effect the incorporation of a corporation, including a certified copy of an original certificate of incorporation filed for such purpose in pursuance of law.

The term, member of a corporation, shall include every person having a right to vote at a meeting of the corporation for the election of directors, other than a person having a right to vote only upon a proxy.

The term, office of a corporation, means its principal office within the state, or principal place of business within the state if it has no principal office therein. The office of a stock corporation shall be in the county, town or city in which its business is principally carried on.

The term, business of a corporation, when used with reference to a non-stock corporation, includes the operations for the conduct of which it is incorporated.

The term, corporate law or laws, when used in any law forming a part of the revision of the general laws of the state of which this chapter is a part, means the general laws of the state relating to corporations included in such revision.

§ 4. Qualification of incorporators.—A certificate of incorporation must be executed by natural persons, who must be of full age, and at least two-thirds of them must be citizens of the United States and a majority of them residents of this state.

This section shall not apply to a corporation formed by the re-incorporation or consolidation of existing corporations, or to the re-organization of a corporation upon the sale of the property and franchises of a previously existing corporation or otherwise.

§ 5. Filing and recording certificates of incorporation.—Every certificate of incorporation and amended or supplemental cer-

tificate hereafter executed, except of a religious, cemetery, monied, municipal or fire department corporation, shall be filed in the office of the secretary of state, and shall be by him duly recorded and indexed in books specially provided therefor; and a certified copy of such certificate or amended or supplemental certificate with a certificate of the secretary of state of such filing and record, or a duplicate original of such certificate or amended or supplemental certificate shall be filed and similarly recorded and indexed in the office of the clerk of the county in which the office of the corporation is to be located, or, if it be a non-stock corporation, and such county be not determined upon at the time of executing the certificate of incorporation, in such county clerk's office as the judge approving the certificate shall direct.

All taxes required by law to be paid before or upon incorporation and the fees for filing and recording such certificate must be paid before filing. No corporation shall exercise any corporate powers or privileges until such taxes and fees have been paid.

§ 6. Corporations of the same name prohibited.—No certificate of incorporation of a proposed corporation having the same name as an existing domestic corporation, or a name so nearly resembling it as to be calculated to deceive, shall be filed or recorded in any office for the purpose of effecting its incorporation.

A corporation formed by the re-incorporation, re-organization or consolidation of other corporations or upon the sale of the property or franchises of a corporation, may have the same name as the corporation or one of the corporations to whose franchises it has succeeded.

§ 7. Amended and supplemental certificates.—If in the original or amended certificate of incorporation of any corporation, or if in a supplemental certificate of any corporation any informality exist, or if any such certificate contain any matter not authorized by law to be stated therein, or if the proof or acknowledgment thereof shall be defective, the incorporators or directors of the corporation may make and file an amended certificate correcting such informality or defect or striking out such unauthorized matter; and the certificate amended shall be deemed to be amended accordingly as of the date such amended certificate was filed, and upon the filing of such an amended certificate of incorporation, the corporation shall then for all purposes be deemed to be a corporation from the time of filing the original certificate.

The supreme court may, upon due cause shown, and proof made,

and upon notice to the attorney-general, and to such other persons as the court may direct, and upon such terms and conditions as it may impose, amend any certificate of incorporation which fails to express the true object and purpose of the corporation, so as to truly set forth such object and purpose.

When an amended or supplemental certificate is filed, an entry shall be made upon the margin of the index and record of the original certificate of the date and place of record of every such amended certificate.

The amendment of a certificate under this section shall be without prejudice to any pending action or proceeding, or to any rights previously accrued.

§ 8. Lost or destroyed certificates.—If either of the certificates of incorporation shall be lost or destroyed after filing, a certified copy of the other certificate may be filed in the place of the one so lost or destroyed and as of the date of its original filing, and such certified copy shall have the same force and effect as the original certificate had when filed.

§ 9. Certificate and other papers as evidence.—The certificate of incorporation of any corporation duly filed shall be presumptive evidence of its incorporation, and any amended certificate or other paper duly filed relating to the incorporation of any corporation, or its existence or management, and containing facts required by law to be stated therein, shall be presumptive evidence of the existence of such facts.

§ 10. Prohibition of other than statutory powers.—No corporation shall possess or exercise any corporate powers not expressly given by law or not necessary to the exercise of the powers so given.

§ 11. Grant of general powers.—Every corporation as such has power, though not specified in the law under which it is incorporated :

1. To have succession for the period specified in its certificate of incorporation or by law, and perpetually when no period is specified.

2. To have a common seal, and alter the same at pleasure.

3. To acquire by grant, gift, purchase, devise or bequest, to hold and to dispose of such property as the purposes of the corporation shall require, subject to such limitations as may be prescribed by law.

4. To appoint such officers and agents as its business shall require, and to fix their compensation, and

5. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and the

transfer of its stock, if it has any. Such by-laws may also fix the amount of stock, which must be represented at meetings of the stockholders in order to constitute a quorum, unless otherwise provided by law. By-laws duly adopted at a meeting of the members of the corporation shall control the action of its directors.

No by-law regulating the election of directors or officers shall be valid unless published for at least two weeks in a newspaper in the county where the election is to be held, and at least thirty days before such election.

Subdivisions four and five of this section shall not apply to municipal corporations.

§ 12. **Enlargement of limitations upon the amount of the property of non-stock corporations.**—If any general or special law heretofore passed, or any certificate of incorporation, shall limit the amount of property a corporation other than a stock corporation may take or hold, such corporation may take and hold property of the value of three million dollars or less, or the yearly income derived from which shall be five hundred thousand dollars or less, notwithstanding any such limitations. In computing the value of such property, no increase in value arising otherwise than from improvements made thereon shall be taken into account. (*Thus amended by chap. 400, Laws 1894.*)

§ 13. **Acquisition of additional real property.**—When any corporation shall have sold or conveyed any part of its real property, the supreme court may, notwithstanding any restriction of a general or special law, authorize it to purchase and hold from time to time other real property, upon satisfactory proof that the value of the property so purchased does not exceed the value of the property so sold and conveyed within the three years next preceding the application.

§ 14. **Acquisition of property in other states.**—Any domestic corporation transacting business in other states or foreign countries may acquire and dispose of such property as shall be requisite for such corporation in the convenient transaction of its business.

§ 15. **Certificate of authority of a foreign corporation.**—No foreign stock corporation other than a monied corporation, shall do business in this state without having first procured from the secretary of state a certificate that it has complied with all the requirements of law to authorize it to do business in this state, and that the business of the corporation to be carried on in this state is such as may be lawfully carried on by a corporation incorporated under the laws of this state for such or similar business, or, if more than one kind of

business, by two or more corporations so incorporated for such kinds of business respectively. The secretary of state shall deliver such certificate to every such corporation so complying with the requirements of law. No such corporation now doing business in this state shall do business herein after December 31, 1892, without having procured such certificate from the secretary of state, but any lawful contract previously made by the corporation may be performed and enforced within the state subsequent to such date. No foreign stock corporation doing business in this state without such certificate shall maintain any action in this state upon any contract made by it in this state until it shall have procured such certificate.

§ 16. **Proof to be filed before granting certificate.**—Before granting such certificate the secretary of state shall require every such foreign corporation to file in his office a sworn copy of its charter or certificate of incorporation, and a statement under its corporate seal, particularly setting forth the business or objects of the corporation which it is engaged in carrying on, or which it proposes to carry on, within the state, and a place within the state which is to be its principal place of business, and designating, in the manner prescribed in the Code of Civil Procedure, a person upon whom process against the corporation may be served within the state.

The person so designated must have an office or place of business at the place where such corporation is to have its principal place of business within the state. Such designation shall continue in force until revoked by an instrument in writing designating in like manner some other person upon whom process against the corporation may be served in this state.

If the person so designated dies, or removes from the place where the corporation has its principal place of business within the state, and the corporation does not within thirty days after such death or removal, designate in like manner another person upon whom process against it may be served within the state, the secretary of state may revoke the authority of the corporation to do business within the state, and process against the corporation in an action upon any liability incurred within this state before such revocation may, after such death or removal and before another designation is made, be served upon the secretary of state. At the time of such service the plaintiff shall pay to the secretary of state two dollars, to be included in his taxable costs and disbursements, and the secretary of state shall forthwith mail a copy of such notice to such corporation, if its address or the address of any officer thereof is known to him.

§ 17. Acquisition of real property in this state by certain foreign corporations.—Any foreign corporation created under the laws of the United States, or of any state or territory thereof, and doing business in this state, may acquire such real property in this state as may be necessary for its corporate purposes in the transaction of its business in this state, and convey the same by deed or otherwise in the same manner as a domestic corporation.

§ 18. Acquisition by foreign corporations of real property in this state.—Any foreign corporation may purchase at a sale upon the foreclosure of any mortgage held by it, or, upon any judgment or decree for debts due it, or, upon any settlement to secure such debts, any real property within this state covered by or subject to such mortgage, judgment, decree or settlement, and may take by devise any real property situated within this state and hold the same for not exceeding five years from the date of such purchase, or from the time when the right to the possession thereof vests in such devisee, and convey it by deed or otherwise in the same manner as a domestic corporation. (*Thus amended by chap. 136, Laws 1894.*)

§ 19. Prohibition of banking powers.—No corporation except a corporation formed under or subject to the banking laws, shall by any implication or construction be deemed to possess the power of carrying on the business of discounting bills, notes or other evidences of debt, of receiving deposits, of buying gold or silver bullion or foreign coins, or buying and selling bills of exchange, or shall issue bills, notes or other evidences of debt for circulation as money.

§ 20. Qualification of members as voters.—At every election of directors and meeting of the members of any corporation, every member who is not in default in the payment of his subscriptions upon his stock or disqualified by the by-laws, shall be entitled to one vote, if a non-stock corporation, and, if a stock corporation, to one vote for every share of stock held by him for ten days immediately preceding the election or meeting.

Every pledgor of stock standing in his name on the books of the corporation shall be deemed the owner thereof for the purposes of this section.

The certificate of incorporation of any stock corporation may provide that at all elections of directors of such corporation, each stockholder shall be entitled to as many votes as shall equal the number of his shares of stock multiplied by the number of directors to be elected, and that he may cast all of such votes for a single director or may distribute them among the number to be voted for, or any two or more of them as he may see fit, which right, when exercised,

shall be termed cumulative voting. The stockholders of a corporation heretofore formed, who, by the provisions of laws existing on April 30, 1891, were entitled to the exercise of such right, may hereafter exercise such right according to the provisions of this section.

No person shall vote or issue a proxy to vote at any meeting of the stockholders or bondholders, or both, of a stock corporation, upon any stock or bonds which have not been owned by him for at least ten days next preceding such meeting, notwithstanding such stock or bonds may stand in his name on the books of the corporation.

No member of a corporation shall sell his vote or issue a proxy to vote to any person for any sum of money or any thing of value.

The books and papers containing the record of membership of the corporation shall be produced at any meeting of its members upon the request of any member. If the right to vote at any such meeting shall be challenged, the inspectors of election, or other persons presiding thereat, shall require such books, if they can be had, to be produced as evidence of the right of the person challenged to vote at such meeting, and all persons who may appear from such books to be members of the corporation may vote at such meeting in person or by proxy, subject to the provisions of this chapter.

§ 21. Proxies.—Every member of a corporation, except a religious corporation, entitled to vote at any meeting thereof may so vote by proxy.

No officer, clerk, teller or bookkeeper of a corporation formed under or subject to the banking law shall act as proxy for any stockholder at any meeting of any such corporation.

Every proxy must be executed in writing by the member himself, or by his duly authorized attorney. No proxy hereafter made shall be valid after the expiration of eleven months from the date of its execution unless the member executing it shall have specified therein the length of time it is to continue in force, which shall be for some limited period. Every proxy shall be revocable at the pleasure of the person executing it; but a corporation having no capital stock may prescribe in its by-laws the persons who may act as proxies for members, and the length of time for which proxies may be executed.

§ 22. Challenges.—Every member of a corporation offering to vote at any election or meeting of the corporation shall, if required

by an inspector of election or other officer presiding at such election or meeting, or by any other member present, take and subscribe the following oath: "I do solemnly swear that in voting at this election I have not, either directly, indirectly or impliedly, received any promise or any sum of money, or any thing of value to influence the giving of my vote or votes at this meeting or as a consideration therefor."

If it is a stock corporation, the oath so taken and subscribed shall contain the following additional provision:

"That I have not sold or otherwise disposed of my interest in or title to any shares of stock or bonds in respect to which I offer to vote at this election, but that all such shares or bonds are still owned by me."

Any person offering to vote as proxy for any other person shall present his proxy and, if so required, take and subscribe the following oath:

"I do solemnly swear that I have not, either directly, indirectly or impliedly, given any promise or any sum of money or any thing of value to induce the giving of a proxy to me to vote at this election, or received any promise or any sum of money or any thing of value to influence the giving of my vote at this meeting, or as a consideration therefor."

If a stock corporation, the oath so taken and subscribed shall contain the following additional provision:

"And that the title to the stocks and bonds upon which I now offer to vote is, to the best of my knowledge and belief, truly and in good faith vested in the persons in whose names they now stand."

The inspectors or persons presiding at the election may administer such oath, and all such oaths and proxies shall be filed in the office of the corporation.

§ 23. Effect of failure to elect directors.—If the directors shall not be elected on the day designated in the by-laws, or by law, the corporation shall not for that reason be dissolved; but every director shall continue to hold his office and discharge his duties until his successor has been elected.

§ 24. Mode of calling special election of directors.—If the election has not been held on the day so designated, the directors shall forthwith call a meeting of the members of the corporation for the purpose of electing directors, of which meeting notice shall be given in the same manner as of the annual meeting for the election of directors.

If such meeting shall not be so called within one month, or, if held, shall result in a failure to elect directors, any member of the corporation may call a meeting for the purpose of electing directors by publishing a notice of the time and place of holding such meeting at least once in each week for two successive weeks immediately preceding the election, in a newspaper published in the county where the election is to be held and in such other manner as may be prescribed in the by-laws for the publication of notice of the annual meeting, and by serving upon each member, either personally or by mail, directed to him at his last known post-office address, a copy of such notice at least two weeks before the meeting.

§ 25. Mode of conducting special elections of directors.—Such meeting shall be held at the office of the corporation, or if it has none, at the place in this state where its principal business has been transacted, or if access to such office or place is denied or can not be had, at some other place in the city, village or town where such office or place is or was located.

At such meeting the members attending shall constitute a quorum. They may elect inspectors of election and directors and adopt by-laws providing for future annual meetings and election of directors, if the corporation has no such by-laws, and transact any other business which may be transacted at an annual meeting of the members of the corporation.

§ 26. Qualification of voters and canvass of votes at special elections.—In the absence at such meeting of the books of the corporation showing who are members thereof, each person, before voting, shall present his sworn statement setting forth that he is a member of the corporation; and if a stock corporation, the number of shares of stock owned by him and standing in his name on the books of the corporation, and, if known to him, the whole number of shares of stock of the corporation outstanding. On filing such statement, he may vote as a member of the corporation; and if a stock corporation, he may vote on the shares of stock appearing in such statement to be owned by him and standing in his name on the books of the corporation.

The inspectors shall return and file such statements, with a certificate of the result of the election, verified by them, in the office of the clerk of the county in which such election is held, and the persons so elected shall be the directors of the corporation.

§ 27. Powers of supreme court respecting elections.—The supreme court shall, upon the application of any person or corpora-

tion aggrieved by or complaining of any election of any corporation or any proceeding, act or matter touching the same, upon notice thereof to the adverse party, or to those to be affected thereby, forthwith and in a summary way, hear the affidavits, proofs and allegations of the parties, or otherwise inquire into the matters or causes of complaint, and establish the election or order a new election, or make such order and give such relief as right and justice may require.

§ 28. Stay of proceedings in actions collusively brought.—If an action is brought against a corporation by the procurement or default of its directors, or any of them, to enforce any claim or obligation declared void by law, or to which the corporation has a valid defense, and such action is in the interest or for the benefit of any director, and the corporation has by his connivance made default in such action, or consented to the validity of such claim or obligation, any member of the corporation may apply to the supreme court, upon affidavit, setting forth the facts, for a stay of proceedings in such action, and on proof of the facts in such further manner and upon such notice as the court may direct, it may stay such proceedings or set aside and vacate the same, or grant such other relief as may seem proper, and which will not injuriously affect an innocent party, who, without notice of such wrongdoing and for a valuable consideration, has acquired rights under such proceedings.

§ 29. Quorum of directors and powers of majority.—The affairs of every corporation shall be managed by its board of directors at least two of whom shall be residents of this state. Unless otherwise provided by law a majority of the board of directors of a corporation at a meeting duly assembled shall be necessary to constitute a quorum for the transaction of business, and the act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors. Subject to the by-laws, if any, adopted by the members of a corporation, the directors may make necessary by-laws of the corporation.

§ 30. Directors as trustees in case of dissolution.—Upon the dissolution of any corporation, its directors, unless other persons shall be appointed by the legislature, or by some court of competent jurisdiction, shall be the trustees of its creditors, stockholders or members, and shall have full power to settle its affairs, collect and pay outstanding debts, and divide among the persons entitled thereto the money and other property remaining after payment of debts and necessary expenses.

Such trustees shall have authority to sue for and recover the debts and property of the corporation, by their name as such trustees, and shall jointly and severally be personally liable to its creditors, stockholders or members, to the extent of its property and effects that shall come into their hands.

§ 31. **Forfeiture for non-user.**—If any corporation, except a railroad, turnpike, plank-road or bridge corporation, shall not organize and commence the transaction of its business or undertake the discharge of its corporate duties within two years from the date of its incorporation, its corporate powers shall cease.

§ 32. **Extension of corporate existence.**—Any domestic corporation at any time within three years before the expiration thereof, may extend the term of its existence beyond the time specified in its original certificate of incorporation, or by law, or in any certificate of extension of corporate existence, by the consent of the stockholders owning two-thirds in amount of its capital stock, if not a stock corporation, by the consent of two-thirds of its members, in and by a certificate signed and acknowledged by them and filed in the offices in which the original certificates of its incorporation were filed, if at all, and, if not, then in the offices where certificates of incorporation are now required by law to be filed, and the officers with whom the same may be filed shall thereupon record them in the books kept in their respective offices for the record of such certificates, and make a memorandum of such record in the margin of the original certificate in such book, if any, and thereupon the time of existence of such corporation shall be extended, as designated in such certificate, for a term not exceeding the term of which it was incorporated in the first instance. If the term of existence of any domestic corporation shall have expired and it shall be made satisfactorily to appear to the supreme court that such corporation was legally organized pursuant to any law of this state, and that through mistake it shall have issued its bonds payable at a date beyond the date fixed in its charter or certificate of incorporation for the expiration of its corporate existence, and such bonds shall be unmatured and unpaid, the supreme court may, upon the application of any person interested and upon such notice to such other parties as the court may require, by order, authorize the filing and recording of a certificate reviving the existence of such corporation, upon such conditions and with such limitations as such order shall specify, and extending such corporate existence for a term not exceeding the term for which it was

originally incorporated. Upon filing and recording such certificate in the same manner as certificates of extension of corporate existence duly issued before the expiration of the existence of a domestic corporation is authorized by law to be filed and recorded, such corporate existence shall be revived and extended in pursuance of the terms of such order, but such revival and extension shall not affect any litigation commenced after such expiration and pending at the time of such revival.

If a corporation formed under or subject to the banking law, such certificate shall not be filed or recorded unless it shall have indorsed thereon the written approval of the superintendent of banks; or, if an insurance corporation, unless it shall have indorsed thereon the written approval of the superintendent of insurance; and, if a turnpike or bridge corporation, it shall not be filed unless it shall have indorsed thereon or annexed thereto a certified copy of a resolution of the board of supervisors of each county in which such turnpike or bridge is located, approving of and authorizing such extension.

Every corporation extending its corporate existence under this chapter or under any general law of the state shall thereafter be subject to the provisions of this chapter and of such general law, notwithstanding any special provisions in its charter, and shall thereafter be deemed to be incorporated under the general laws of the state relating to the incorporation of a corporation for the purpose of carrying on the business in which it is engaged, and shall be subject to the provisions of such laws.

§ 33. **Conflicting corporate laws.**—If in any corporate law there is or shall be any provision in conflict with any provisions of this chapter or of the stock corporation law, the provisions so conflicting shall prevail, and the provision of this chapter or of the stock corporation law with which it conflicts shall not apply in such a case. If in any such law there is or shall be a provision relating to a matter embraced in this chapter or in the stock corporation law, but not in conflict with it, such provision in such other law shall be deemed to be in addition to the provision in this chapter or in the stock corporation law relating to the same subject-matter, and both provisions shall, in such case, be applicable.

§ 34. **Laws repealed.**—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed. Such repeal shall not revive a law repealed by any law hereby repealed, but shall include all laws amendatory of the laws hereby repealed.

§ 35. Saving clause.—The repeal of a law or any part of it specified in the annexed schedule shall not affect or impair any act done, or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to May 1, 1891, under or by virtue of any law so repealed, but the same may be asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such law had not been repealed. All actions and proceedings, civil or criminal, commenced under or by virtue of the laws so repealed, and pending on April 30, 1891, may be prosecuted and defended to final effect in the same manner as they might under the laws then existing, unless it shall be otherwise specially provided by law.

§ 36. Construction.—The provisions of this chapter, and of the stock corporation law, the railroad law, the transportation corporations law, and the business corporations law, so far as they are substantially the same as those of laws existing on April 30, 1891, shall be construed as a continuation of such laws modified or amended according to the language employed in this chapter, or in the stock corporation law, the railroad law, the transportation corporations law, or the business corporations law, and not as new enactments.

References in laws not repealed to provisions of laws incorporated into the general laws hereinbefore enumerated and repealed, shall be construed as applying to the provisions so incorporated.

Nothing in this chapter or in the other general laws hereinbefore specified shall be construed to amend or repeal any provision of the Criminal or Penal Code or to impair any right or liability which any existing corporation, its officers, directors, stockholders or creditors may have or be subject to or which any such corporation, other than a railroad corporation, had or was subject to on April 30, 1891, by virtue of any special act of the legislature creating such corporation or creating or defining any such right or liability, unless such special act is repealed by this chapter.

§ 37. Law revived.—Chapter three hundred of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the Baptist Historical Society of the city of New York," which was inadvertently repealed by the transportation corporations law, is revived and re-enacted, and shall be of the same force and effect as if it had not been repealed.

SCHEDULE OF LAWS REPEALED.

Revised Statutes... Part I, chapter 18.....All.

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| 1866..... | 838..... | All. |
| 1867..... | 12..... | All. |
| 1867..... | 49..... | All. |
| 1867..... | 248..... | All. |
| 1867..... | 254..... | All. |
| 1867..... | 419..... | All. |
| 1867..... | 480..... | All. |
| 1867..... | 509..... | All. |
| 1867..... | 775..... | All. |
| 1867..... | 906..... | All. |
| 1867..... | 937..... | All. |
| 1867..... | 960..... | All. |
| 1867..... | 974..... | All. |
| 1868..... | 253..... | All. |
| 1868..... | 290..... | All. |
| 1868..... | 573..... | All. |
| 1868..... | 781..... | All. |
| 1869..... | 234..... | All. |
| 1869..... | 237..... | All. |
| 1869..... | 605..... | All. |
| 1869..... | 706..... | All. |
| 1869..... | 844..... | All. |

| LAWS OF | Chapter | Section. |
|-----------|----------|----------------|
| 1869..... | 917..... | All. |
| 1870..... | 124..... | All. |
| 1870..... | 135..... | All. |
| 1870..... | 322..... | All. |
| 1870..... | 443..... | All. |
| 1870..... | 568..... | All. |
| 1870..... | 773..... | All. |
| 1871..... | 95..... | All. |
| 1871..... | 481..... | All. |
| 1871..... | 535..... | All. |
| 1871..... | 560..... | All. |
| 1871..... | 657..... | All. |
| 1871..... | 669..... | All. |
| 1871..... | 697..... | All. |
| 1871..... | 883..... | All. |
| 1872..... | 81..... | All. |
| 1872..... | 128..... | All. |
| 1872..... | 146..... | All. |
| 1872..... | 248..... | All. |
| 1872..... | 283..... | All. |
| 1872..... | 350..... | All. |
| 1872..... | 374..... | All. |
| 1872..... | 426..... | All. |
| 1872..... | 609..... | All. |
| 1872..... | 611..... | All. |
| 1872..... | 779..... | All. |
| 1872..... | 780..... | All. |
| 1872..... | 820..... | All except 20. |
| 1872..... | 829..... | All. |
| 1872..... | 843..... | All. |
| 1873..... | 151..... | All. |
| 1873..... | 352..... | All. |
| 1873..... | 432..... | All. |
| 1873..... | 440..... | All. |
| 1873..... | 469..... | All. |
| 1873..... | 616..... | All. |
| 1873..... | 710..... | All. |
| 1873..... | 737..... | All. |
| 1873..... | 814..... | All. |
| 1874..... | 76..... | All. |
| 1874..... | 143..... | All. |
| 1874..... | 149..... | All. |
| 1874..... | 240..... | All. |
| 1874..... | 288..... | All. |
| 1874..... | 430..... | All. |
| 1875..... | 4..... | All. |
| 1875..... | 58..... | All. |
| 1875..... | 88..... | All. |

| LAWS OF | Chapter | Section. |
|-----------|----------|----------|
| 1875..... | 108..... | All. |
| 1875..... | 113..... | All. |
| 1875..... | 119..... | All. |
| 1875..... | 120..... | All. |
| 1875..... | 159..... | All. |
| 1875..... | 193..... | All. |
| 1875..... | 256..... | All. |
| 1875..... | 319..... | All. |
| 1875..... | 365..... | All. |
| 1875..... | 445..... | All. |
| 1875..... | 510..... | All. |
| 1875..... | 586..... | All. |
| 1875..... | 598..... | All. |
| 1875..... | 606..... | All. |
| 1875..... | 611..... | All. |
| 1876..... | 77..... | All. |
| 1876..... | 135..... | All. |
| 1876..... | 198..... | All. |
| 1876..... | 280..... | All. |
| 1876..... | 358..... | All. |
| 1876..... | 373..... | All. |
| 1876..... | 415..... | All. |
| 1876..... | 435..... | All. |
| 1876..... | 446..... | All. |
| 1877..... | 103..... | All. |
| 1877..... | 158..... | All. |
| 1877..... | 164..... | All. |
| 1877..... | 171..... | All. |
| 1877..... | 224..... | All. |
| 1877..... | 266..... | All. |
| 1877..... | 374..... | All. |
| 1878..... | 61..... | All. |
| 1878..... | 121..... | All. |
| 1878..... | 163..... | All. |
| 1878..... | 203..... | All. |
| 1878..... | 210..... | All. |
| 1878..... | 261..... | All. |
| 1878..... | 264..... | All. |
| 1878..... | 316..... | All. |
| 1878..... | 334..... | All. |
| 1878..... | 394..... | All. |
| 1879..... | 214..... | All. |
| 1879..... | 253..... | All. |
| 1879..... | 290..... | All. |
| 1879..... | 293..... | All. |
| 1879..... | 350..... | All. |
| 1879..... | 377..... | All. |
| 1879..... | 393..... | All. |

| LAWS OF | Chapter | Section. |
|-----------|----------|----------|
| 1879..... | 395..... | All. |
| 1879..... | 413..... | All. |
| 1879..... | 415..... | All. |
| 1879..... | 441..... | All. |
| 1879..... | 503..... | All. |
| 1879..... | 505..... | All. |
| 1879..... | 512..... | All. |
| 1879..... | 541..... | All. |
| 1880..... | 5..... | All. |
| 1880..... | 85..... | All. |
| 1880..... | 90..... | All. |
| 1880..... | 94..... | All. |
| 1880..... | 113..... | All. |
| 1880..... | 133..... | All. |
| 1880..... | 155..... | All. |
| 1880..... | 182..... | All. |
| 1880..... | 187..... | All. |
| 1880..... | 223..... | All. |
| 1880..... | 225..... | All. |
| 1880..... | 241..... | All. |
| 1880..... | 254..... | All. |
| 1880..... | 263..... | All. |
| 1880..... | 267..... | All. |
| 1880..... | 349..... | All. |
| 1880..... | 415..... | All. |
| 1880..... | 417..... | All. |
| 1880..... | 484..... | All. |
| 1880..... | 510..... | All. |
| 1880..... | 575..... | All. |
| 1880..... | 582..... | All. |
| 1880..... | 583..... | All. |
| 1880..... | 585..... | All. |
| 1881..... | 22..... | All. |
| 1881..... | 58..... | All. |
| 1881..... | 77..... | All. |
| 1881..... | 117..... | All. |
| 1881..... | 148..... | All. |
| 1881..... | 213..... | All. |
| 1881..... | 232..... | All. |
| 1881..... | 295..... | All. |
| 1881..... | 296..... | All. |
| 1881..... | 311..... | All. |
| 1881..... | 313..... | All. |
| 1881..... | 321..... | All. |
| 1881..... | 337..... | All. |
| 1881..... | 338..... | All. |
| 1881..... | 351..... | All. |
| 1881..... | 399..... | All. |

| LAWS OF | Chapter | Section. |
|-----------|----------|----------|
| 1881..... | 422..... | All. |
| 1881..... | 464..... | All. |
| 1881..... | 468..... | All. |
| 1881..... | 470..... | All. |
| 1881..... | 472..... | All. |
| 1881..... | 485..... | All. |
| 1881..... | 551..... | All. |
| 1881..... | 589..... | All. |
| 1881..... | 649..... | All. |
| 1881..... | 650..... | All. |
| 1881..... | 674..... | All. |
| 1881..... | 685..... | All. |
| 1882..... | 73..... | All. |
| 1882..... | 82..... | All. |
| 1882..... | 140..... | All. |
| 1882..... | 273..... | All. |
| 1882..... | 289..... | All. |
| 1882..... | 290..... | All. |
| 1882..... | 306..... | All. |
| 1882..... | 309..... | All. |
| 1882..... | 349..... | All. |
| 1882..... | 353..... | All. |
| 1882..... | 393..... | All. |
| 1882..... | 405..... | All. |
| 1883..... | 46..... | All. |
| 1883..... | 71..... | All. |
| 1883..... | 102..... | All. |
| 1883..... | 216..... | All. |
| 1883..... | 232..... | All. |
| 1883..... | 237..... | All. |
| 1883..... | 238..... | All. |
| 1883..... | 240..... | All. |
| 1883..... | 287..... | All. |
| 1883..... | 323..... | All. |
| 1883..... | 361..... | All. |
| 1883..... | 381..... | All. |
| 1883..... | 382..... | All. |
| 1883..... | 384..... | All. |
| 1883..... | 386..... | All. |
| 1883..... | 387..... | All. |
| 1883..... | 388..... | All. |
| 1883..... | 409..... | All. |
| 1883..... | 482..... | All. |
| 1883..... | 483..... | All. |
| 1883..... | 497..... | All. |
| 1884..... | 140..... | All. |
| 1884..... | 193..... | All. |
| 1884..... | 208..... | All. |

| LAWS OF | Chapter | Section. |
|-----------|----------|----------|
| 1884..... | 223..... | All. |
| 1884..... | 252..... | All |
| 1884..... | 267..... | All. |
| 1884..... | 367..... | All. |
| 1884..... | 386..... | All. |
| 1884..... | 397..... | All. |
| 1884..... | 421..... | All. |
| 1884..... | 422..... | All. |
| 1884..... | 439..... | All. |
| 1884..... | 441..... | All |
| 1884..... | 444..... | All |
| 1885..... | 84..... | All. |
| 1885..... | 127..... | All |
| 1885..... | 141..... | All |
| 1885..... | 153..... | All. |
| 1885..... | 171..... | All. |
| 1885..... | 305..... | All. |
| 1885..... | 369..... | All. |
| 1885..... | 422..... | All. |
| 1885..... | 423..... | All |
| 1885..... | 489..... | All |
| 1885..... | 498..... | All. |
| 1885..... | 535..... | All |
| 1885..... | 540..... | All |
| 1885..... | 549..... | All. |
| 1886..... | 65..... | All |
| 1886..... | 182..... | All. |
| 1886..... | 271..... | All. |
| 1886..... | 321..... | All. |
| 1886..... | 322..... | All. |
| 1886..... | 403..... | All |
| 1886..... | 415..... | All |
| 1886..... | 509..... | All |
| 1886..... | 551..... | All |
| 1886..... | 579..... | All. |
| 1886..... | 586..... | All. |
| 1886..... | 592..... | All |
| 1886..... | 601..... | All. |
| 1886..... | 605..... | All. |
| 1886..... | 634..... | All |
| 1886..... | 642..... | All. |
| 1887..... | 450..... | All |
| 1887..... | 486..... | All. |
| 1887..... | 536..... | All. |
| 1887..... | 570..... | All |
| 1887..... | 616..... | All |
| 1887..... | 622..... | All |
| 1887..... | 724..... | All |

| LAWS OF | Chapter | Section. |
|-----------|----------|----------|
| 1888..... | 189..... | All. |
| 1888..... | 306..... | All. |
| 1888..... | 313..... | All. |
| 1888..... | 359..... | All. |
| 1888..... | 394..... | All. |
| 1888..... | 447..... | All. |
| 1888..... | 462..... | All. |
| 1888..... | 513..... | All. |
| 1888..... | 514..... | All. |
| 1888..... | 549..... | All. |
| 1888..... | 560..... | All. |
| 1889..... | 57..... | All. |
| 1889..... | 76..... | All. |
| 1889..... | 78..... | All. |
| 1889..... | 236..... | All. |
| 1889..... | 242..... | All. |
| 1889..... | 281..... | All. |
| 1889..... | 332..... | All. |
| 1889..... | 369..... | All. |
| 1889..... | 426..... | All. |
| 1889..... | 519..... | All. |
| 1889..... | 524..... | All. |
| 1889..... | 531..... | All. |
| 1889..... | 532..... | All. |
| 1889..... | 564..... | All. |
| 1890..... | 23..... | All. |
| 1890..... | 98..... | All. |
| 1890..... | 119..... | All. |
| 1890..... | 193..... | All. |
| 1890..... | 292..... | All. |
| 1890..... | 416..... | All. |
| 1890..... | 421..... | All. |
| 1890..... | 483..... | All. |
| 1890..... | 497..... | All. |
| 1890..... | 505..... | All. |
| 1890..... | 508..... | All. |
| 1890..... | 543..... | All. |
| 1891..... | 57..... | All. |
| 1891..... | 287..... | All. |
| 1892..... | 2..... | All. |

CHAP. 688.

AN ACT to amend the stock corporation law.

The stock corporation law is amended to read as follows, to take effect immediately:

CHAPTER XXXVI OF THE GENERAL LAWS.

THE STOCK CORPORATION LAW.

ARTICLE 1. General powers; reorganization. (§§ 1-7).

2. Directors and officers; their election, duties and liabilities. (§§ 20-32).

3. Stock; stockholders, their rights and liabilities. (§§ 40-55).

ARTICLE I.

GENERAL POWERS; REORGANIZATION.

SECTION 1. Short title, and application of chapter.

2. Power to borrow money and mortgage property.

3. Reorganization upon sale of corporate property and franchises.

4. Contents of plan or agreement.

5. Sale of property; possession of receiver and suits against him.

6. Assent of stockholders to plan of readjustment.

7. Combinations prohibited.

SECTION 1. Short title and application of chapter.—This chapter shall be known as the stock corporation law, but article one shall not apply to monied corporations.

§ 2. Power to borrow money and mortgage property.—In addition to the powers conferred by the general corporation law, every stock corporation shall have power to borrow money or contract debts, when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges or franchises, or for any other lawful purpose of its incorporation; and may issue and dispose of its obligations for any amount so borrowed, and may mortgage its property and franchises to secure the payment of such obligations or of any debt contracted for the purposes herein specified; and the amount of the obligations issued and outstanding at any one time secured by such mortgages, excepting mortgages given as a consideration for the purchase of real estate, and mortgages authorized by contracts made prior to May first, eighteen hundred

ment and to the provisions of law, may issue its bonds and stock in conformity with the provisions of such plan or agreement, and may at any time within six months after its organization, compromise, settle or assume the payment of any debt, claim or liability of the former corporation upon such terms as may be lawfully approved by a majority of the agents or trustees intrusted with the carrying out of the plan or agreement of re-organization, and may establish preferences in respect to the payment of dividends in favor of any portion of its capital stock and may divide its stock into classes, but the capital stock of the new corporation shall not exceed in the aggregate, the maximum amount of stock mentioned in the certificate of incorporation, nor shall the bonds issued by it exceed in the aggregate the amount which a corporation is authorized by the provisions of this article to issue.

§ 5. Sale of property; possession of receiver and suits against him.—The supreme court may direct a sale of the whole of the property, rights and franchises covered by the mortgage or mortgages, or deeds of trust foreclosed at any one time and place to be named in the judgment or order, either in case of the non-payment of interest only, or of both the principal and interest due and unpaid and secured by any such mortgage or mortgages or deeds of trust. Neither the sale nor the formation of the new corporation shall interfere with the authority or possession of any receiver of such property and franchises, but he shall remain liable to be removed or discharged at such time as the court may deem proper. No suit or proceeding shall be commenced against such receiver unless founded on willful misconduct or fraud in his trust after the expiration of sixty days from the time of his discharge; but after the expiration of sixty days the new corporation shall be liable in any action that may be commenced against it, and founded on any act or omission of such receiver for which he may not be sued, and to the same extent as the receiver, but for this section would be or remain liable, or to the same extent that the new corporation would be had it done or omitted the acts complained of.

§ 6. Stockholders may assent to plan of readjustment.—Every stockholder in any corporation, the franchises and property whereof shall have been thus sold, may assent to the plan of readjustment and re-organization of interests pursuant to which such franchises and property shall have been purchased at any time within six months after the organization of the new corporation, and by complying with the terms and conditions of such plan become enti-

tled to his pro rata benefits therein. The commissioners, corporate authorities or proper officers of any city, town or village, who may hold stock in any corporation, the property and franchises whereof, shall be liable to be sold, may assent to any plan or agreement of re-organization which lawfully provides for the formation of a new corporation, and the issue of stock therein to the proper authorities or officers of such cities, towns or villages in exchange for the stock of the old or former corporation by them respectively held. And such commissioners, corporate authorities or other proper officers may assign, transfer or surrender the stock so held by them in the manner required by such plan, and accept in lieu thereof the stock issued by such new corporation in conformity therewith.

§ 7. **Combinations prohibited.**—No stock corporation shall combine with any other corporation or person for the creation of a monopoly or the unlawful restraint of trade or for the prevention of competition in any necessary of life.

ARTICLE II.

DIRECTORS AND OFFICERS; THEIR ELECTION, DUTIES AND LIABILITIES.

SECTION 20. Directors.

21. Change of number of directors.
22. When acts of directors void.
23. Liability of directors for making unauthorized dividends.
24. Liability of directors for contracting unauthorized debts and over issue of bonds.
25. Liability of directors for loans to stockholders.
26. Transfers of stock by stockholders indebted to corporation.
27. Officers.
28. Inspectors and their oath.
29. Books to be kept.
30. Annual report.
31. Liability of officers for false certificates, reports or public notices.
32. Alteration or extension of business.
33. Sale of franchise or property.

§ 20. **Directors.**—The directors of every stock corporation shall be chosen from the stockholders at the time and place fixed by the by-laws of the corporation by a plurality of the votes of the stockholders voting at such election. Vacancies in the board of directors shall be filled in the manner prescribed in the by-laws, and if a director shall cease to be a stockholder his office shall become vacant. Notice of the time and place of holding any election of directors shall be given by publication thereof, at least once in each week for two successive weeks immediately preceding such election, in a newspaper published in the county where such election is to be held,

and in such other manner as may be prescribed in the by-laws. Policy holders of an insurance corporation shall be eligible to election as directors. At least one-fourth in number of the directors of every stock corporation shall be elected annually.

§ 21. Change of number of directors.—The number of directors of any stock corporation may be increased or reduced, but not above the maximum nor below the minimum number prescribed by law, when the stockholders owning a majority of the stock of the corporation shall so determine, at a meeting to be held at the usual place of meeting of the directors, on two weeks' notice in writing to each stockholder of record. Such notice shall be served personally or by mail, directed to each stockholder at his last known post-office address. Proof of the service of such notice shall be filed in the office of the corporation at or before the time of such meeting. The proceedings of such meeting shall be entered in the minutes of the corporation and a transcript thereof, verified by the president and secretary of the meeting shall be filed in the offices where the original certificates of incorporation were filed. If a corporation formed under or subject to the banking law, the consent of the superintendent of banks, and if an insurance corporation, the consent of the superintendent of insurance, shall be first obtained to such increase or reduction of the number of directors.

§ 22. When acts of directors void.—When the directors of any corporation for the first year of its corporate existence shall hold over and continue to be directors after the first year, because of their neglect or refusal to adopt the by-laws required to enable the stockholders to hold the annual election for directors, all their acts and proceedings while so holding over, done for and in the name of the corporation, designed to charge upon it any liability or obligation for the services of any such director, or any officer, or attorney or counsel appointed by them, and every such liability or obligation shall be held to be fraudulent and void.

§ 23. Liability of directors for making unauthorized dividends.—The directors of a stock corporation shall not make dividends, except from the surplus profits arising from the business of such corporation; nor divide, withdraw or in any way pay to the stockholders, or any of them, any part of the capital of such corporation, or reduce its capital stock, except as authorized by law. In case of any violation of the provisions of this section, the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at

large upon the minutes of such directors at the time, or were not present when the same happened, shall jointly and severally be liable to such corporation and to the creditors thereof to the full amount of the capital of such corporation so divided, withdrawn, paid out or reduced. But this section shall not prevent a division and distribution of the assets of any such corporation remaining after the payment of all its debts and liabilities upon the dissolution of such corporation or the expiration of its charter.

§ 24. **Liability of directors for unauthorized debts and over-issue of bonds.**—No stock corporation, except a monied corporation, shall create any debt, if thereby its total indebtedness not secured by mortgage shall exceed the amount of its paid-up capital stock, and the directors creating or consenting to the creation of any such debt shall be personally liable therefor to the creditors of the corporation. If bonds or other obligations of the corporation, secured by mortgage, are issued in excess of the amount authorized by law, or in violation of law, the directors voting for such over-issue, or unlawful issue, shall be personally liable to the holders of the bonds or other obligations illegally issued for the amount held by them, and to all persons sustaining damage by such illegal issues for any damage caused thereby.

§ 25. **Liability of directors for loans to stockholders.**—No loan of moneys shall be made by any stock corporation, except a monied corporation, or by any officer thereof out of its funds to any stockholder therein, nor shall any such corporation or officer discount any note or other evidence of debt, or receive the same in payment of any installment or any part thereof due or to become due on any stock in such corporation, or receive or discount any note, or other evidence of debt, to enable any stockholder to withdraw any part of the money paid in by him on his stock. In case of the violation of any provision of this section, the officers or directors making such loan, or assenting thereto, or receiving or discounting such notes or other evidences of debt, shall, jointly and severally, be personally liable to the extent of such loan and interest, for all the debts of the corporation contracted before the repayment of the sum loaned, and to the full amount of the notes or other evidences of debt so received or discounted, with interest from the time such liability accrued.

§ 26. **Transfers of stock by stockholder indebted to corporation.**—If a stockholder shall be indebted to the corporation, the directors may refuse to consent to a transfer of his stock until such indebtedness is paid, provided a copy of this section is written or printed upon the certificate of stock.

§ 27. Officers.—The directors of a stock corporation may appoint from their number a president, and may appoint a secretary, treasurer, and other officers, agents and employes, who shall respectively have such powers and perform such duties in the management of the property and affairs of the corporation, subject to the control of the directors, as may be prescribed by them or in the by-laws. The directors may require any such officer, agent or employe to give security for the faithful performance of his duties, and may remove him at pleasure. The policy holders of an insurance corporation shall be eligible to election or appointment as its officers.

§ 28. Inspectors and their oath.—The inspectors of election of every stock corporation shall be appointed in the manner prescribed in the by-laws, but the inspectors of the first election of directors and of all previous meetings of the stockholders shall be appointed by the board of directors named in the certificate of incorporation. No director or officer of a monied corporation shall be eligible to election or appointment as inspector. Each inspector shall be entitled to a reasonable compensation for his services, to be paid by the corporation, and if any inspector shall refuse to serve, or neglect to attend at the election, or his office become vacant, the meeting may appoint an inspector in his place unless the by-laws otherwise provide. The inspectors appointed to act at any meeting of the stockholders shall, before entering upon the discharge of their duties, be sworn to faithfully execute the duties of inspector at such meeting with strict impartiality, and according to the best of their ability, and the oath so taken shall be subscribed by them, and immediately filed in the office of the clerk of the county in which such election or meeting shall be held, with a certificate of the result of the vote taken thereat.

§ 29. Books to be kept.—Every stock corporation shall keep at its office, correct books of account of all its business and transactions, and a book to be known as the stock-book, containing the names, alphabetically arranged, of all persons who are stockholders of the corporation, showing their places of residence, the number of shares of stock held by them respectively, the time when they respectively became the owners thereof, and the amount paid thereon. The stock-book of every such corporation shall be open daily, during business hours, for the inspection of its stockholders and judgment creditors, who may make extracts therefrom. No transfer of stock shall be valid as against the corporation, its stockholders and creditors for any purpose, except to render the transferee liable for the debts of the corporation according to the provisions of this

chapter, until it shall have been entered in such book as required by this section, by an entry showing from and to whom transferred. Such latter book shall be presumptive evidence of the facts therein so stated in favor of the plaintiff, in any action or proceeding against such corporation or any of its officers, directors or stockholders. Every corporation that shall neglect or refuse to keep or cause to be kept such books, or to keep any book open for inspection as herein required, shall forfeit to the people the sum of fifty dollars for every day it shall so neglect or refuse. If any officer or agent of any such corporation shall willfully neglect or refuse to make any proper entry in such book or books, or shall neglect or refuse to exhibit the same, or allow them to be inspected and extracts taken therefrom as provided in this section, the corporation and such officer or agent shall each forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting to him therefrom.

§ 30. **Annual report.**—Every stock corporation, except monied and railroad corporations, shall annually, during the month of January, or, if doing business without the United States, before the first day of May, make a report as of the first day of January, which shall state:

1. The amount of its capital stock, and the proportion actually issued.
2. The amount of its debts or an amount which they do not then exceed.
3. The amount of its assets or an amount which its assets at least equal.

Such report shall be signed by a majority of its directors, and verified by the oath of the president or vice-president and treasurer or secretary, and filed in the office of the secretary of state and in the office of the county clerk of the county where its principal business office may be located. If such report is not so made and filed, all the directors of the corporation shall jointly and severally be personally liable for all the debts of the corporation then existing, and for all contracted before such report shall be made. No director shall be liable for the failure to make and file such report if he shall file with the secretary of state, within thirty days after the first day of February, or the first day of May, as the case may be, a verified certificate, stating that he has endeavored to have such report made and filed, but that the officers or a majority of the directors have refused and neglected to make and file the same, and shall append to such certificate a report containing the items re-

quired to be stated in such annual report, so far as they are within his knowledge or are obtainable from sources of information open to him, and verified by him to be true to the best of his knowledge, information and belief.

§ 31. **Liability of officers for false certificates, reports or public notices.**—If any certificate or report made or public notice given by the officers or directors of a stock corporation shall be false in any material representation, the officers and directors signing the same shall jointly and severally be personally liable to any person who has become a creditor or stockholder of the corporation upon the faith of any such certificate, report, notice or any material representation therein to the amount of the debt contracted upon the faith thereof if not paid when due, or of the damage sustained by any purchaser of or subscriber to its stock upon the faith thereof. The liability imposed by this section shall exist in all cases where the contents of any such certificate, report or notice or of any material representation therein shall have been communicated either directly or indirectly to the person so becoming a creditor or stockholder and he became such creditor or stockholder upon the faith thereof. No action can be maintained for a cause of action created by this section unless brought within two years from the time the certificate, report or public notice shall have been made or given by the officers or directors of such corporation.

§ 32. **Alteration or extension of business.**—Any stock corporation heretofore or hereafter organized under any general or special law of this state may extend or alter its business and powers so as to include any purposes and powers which at the time of such extension may have been conferred by law upon corporations engaged in a business of the same general character, or which might be included in the certificate of incorporation of a corporation organizing under any general law of this state for a business of the same general character, by filing in the manner provided for the original certificate of incorporation an amended certificate, executed by a majority of its directors, stating the extension of business and powers and rights proposed, and that the same has been duly authorized by a vote of stockholders representing at least three-fifths of the capital stock, at a meeting of the stockholders called for the purpose in the manner provided in section forty-five of this chapter, and a copy of the proceedings of such meeting, verified by the affidavit of one of the directors present thereat, shall be filed with such amended certificate.

§ 33. **Sale of franchise and property.**—A stock corporation, except a railroad corporation and except as otherwise provided by law, with the consent of two-thirds of its stock, may sell and convey its property, rights, privileges and franchises, or any interest therein or any part thereof to a domestic corporation, engaged in a business of the same general character, or which might be included in the certificate of incorporation of a corporation organizing under any general law of this state for a business of the same general character; and such sale and conveyance shall vest the rights, property and franchises thereby transferred in the corporation to which they are conveyed for the term of its corporate existence, subject to the provisions and restrictions applicable to the corporation conveying them. Before such sale or conveyance shall be made such consent shall be obtained at a meeting of the stockholders called upon like notice as that required for an annual meeting. If any stockholder not voting in favor of such proposed sale or conveyance shall at such meeting, or within twenty days thereafter object to such sale, and demand payment, for his stock, he may, within sixty days after such meeting, apply to the supreme court at any special term thereof held in the district in which the principal place of business of such corporation is situated, upon eight days notice to the corporation, for the appointment of three persons to appraise the value of such stock, and the court shall appoint three such appraisers, and designate the time and place of their proceedings as shall be deemed proper, and also direct the manner in which payment for such stock shall be made to such stockholder. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and they or any two of them, after being duly sworn honestly and faithfully to discharge their duties, shall estimate and certify the value such stock at the time of such dissent, and deliver one copy to such corporation, and another to such stockholder if demanded; the charges and expenses of the appraisers shall be paid by the corporation. When the corporation shall have paid the amount of such appraisal, as directed by the court, such stockholders shall cease to have any interest in such stock and in the corporate property of such corporation and such stock may be held or disposed of by such corporation. (*This section added by chap. 638, Laws 1893.*)

ARTICLE III.

STOCK ; STOCKHOLDERS, THEIR RIGHTS AND LIABILITIES.

SECTION 40. Issue and transfers of stock.

41. Subscriptions to stock.
42. Consideration for issue of stock and bonds.
43. Time of payment of subscriptions to stock.
44. Increase or reduction of capital stock.
45. Notice of meeting to increase or reduce capital stock.
46. Conduct of such meeting ; certificate of increase or reduction.
47. Preferred and common stock.
48. Prohibited transfers to officers or stockholders.
49. Payment by stockholders of mortgage debt pending foreclosure.
50. Application to court to order issue of new in place of lost certificate of stock.
51. Order of court upon such application.
52. Financial statement to stockholders.
53. Exhibition of books by transfer agent of foreign corporation.
54. Liabilities of stockholders.
55. Limitation of stockholder's liability.
56. Increase or reduction of number of shares.

§ 40. Issue and transfers of stock.—The stock of every stock corporation shall be represented by certificates prepared by the directors and signed by the president or vice-president and secretary or treasurer and sealed with the seal of the corporation, and shall be transferable in the manner prescribed in this chapter and in the by-laws. No share shall be transferable until all previous calls thereon shall have been fully paid in.

Any stock corporation, domestic or foreign, now existing or hereafter organized, except monied corporations, may purchase, acquire, hold and dispose of the stocks, bonds and other evidences of indebtedness of any corporation, domestic or foreign, and issue in exchange therefor its stock, bonds or other obligations if authorized so to do by a provision in the certificate of incorporation of such stock corporation, or in any certificate amendatory thereof or supplementary thereto, filed in pursuance of law, or if the corporation whose stock is so purchased, acquired, held or disposed of, is engaged in a business similar to that of such stock corporation, or engaged in the manufacture, use or sale of the property, or in the construction or operation of works necessary or useful in the business of such stock corporation, or in which or in connection with which the manufactured articles, product or property of such stock corporation are or may be used, or is a corporation with which such stock corporation is or may be authorized to consolidate. When any such corporation shall be a stockholder in any other corporation, as herein

provided, its president or other officers shall be eligible to the office of director of such corporation, the same as if they were individually stockholders therein and the corporation holding such stock shall possess and exercise in respect thereof, all the rights, powers and privileges of individual owners or holders of such stock.

Any stock corporation may, in pursuance of a unanimous vote of its stockholders voting at a special meeting called for that purpose by notice in writing signed by a majority of the directors of such corporation stating the time and place and object of the meeting, and served upon each stockholder appearing as such upon the books of the corporation, personally or by mail at his last-known post-office address at least sixty days prior to such meeting, guarantee the bonds of any other domestic corporation engaged in the same general line of business.

§ 41. Subscriptions to stock.—If the whole capital stock shall not have been subscribed at the time of filing the certificate of incorporation, the directors named in the certificate may open books of subscription to fill up the capital stock in such places, and after giving such notices as they may deem expedient, and may continue to receive subscriptions until the whole capital stock is subscribed. At the time of subscribing, every subscriber, whose subscription is payable in money, shall pay to the directors ten per centum upon the amount subscribed by him in cash, and no such subscription shall be received or taken without such payment.

§ 42. Consideration for issue of stock and bonds.—No corporation shall issue either stock or bonds except for money, labor done or property actually received for the use and lawful purposes of such corporation. No such stock shall be issued for less than its par value.

No such bonds shall be issued for less than the fair market value thereof.

§ 43. Time of payment of subscriptions to stock.—Subscriptions to the capital stock of a corporation shall be paid at such times and in such installments as the board of directors may by resolution require. If default shall be made in the payment of any installment as required by such resolution, the board may declare the stock and all previous payments thereon forfeited for the use of the corporation, after the expiration of sixty days from the service on the defaulting stockholder, personally or by mail directed to him at his last-known post-office address, of a written notice requiring him to make payment within sixty days from the service of the notice at a place specified therein, and stating that, in case of failure to do so,

his stock and all previous payments thereon will be forfeited for the use of the corporation.

Such stock, if forfeited, may be reissued or subscriptions therefor may be received as in the case of stock not issued or subscribed for. If not sold for its par value or subscribed for within six months after such forfeiture, it shall be canceled and deducted from the amount of the capital stock. If by such cancellation, the amount of the capital stock is reduced below the minimum required by law, the capital stock shall be increased to the required amount within three months thereafter or an action may be brought or proceedings instituted to close up the business of the corporation as in the case of an insolvent corporation. If a receiver of the assets of the corporation has been appointed, all unpaid subscriptions to the stock shall be paid at such times and in such installments as the receiver or the court may direct.

§ 44. Increase or reduction of capital stock.—Any domestic corporation may increase or reduce its capital stock in the manner herein provided, but not above the maximum or below the minimum if any, prescribed by law. If increased, the holders of the additional stock issued shall be subject to the same liabilities with respect thereto as are provided by law in relation to the original capital; if reduced, the amount of its debts and liabilities shall not exceed the amounts of its reduced capital, unless an insurance corporation, in which case the amounts of its debts and liabilities shall not exceed the amount of its reduced capital and other assets. The owner of any stock shall not be relieved from any liability existing prior to the reduction of the capital stock of any stock corporation. If a banking corporation, whether the capital be increased or reduced, its assets shall at least be equal to its debts and liabilities and the capital stock, as increased or reduced. (*Thus amended by chap. 346, Laws 1894.*)

§ 45. Notice of meeting to increase or reduce capital stock.—Every such increase or reduction must be authorized by a vote of the stockholders owning at least a majority of the stock of the corporation, taken at a meeting of the stockholders specially called for that purpose. Notice of the meeting, stating the time, place and object, and the amount of the increase or reduction proposed, signed by a majority of the directors, shall be published once a week, for at least two successive weeks, in a newspaper in the county where its principal business office is located, if any is published therein, and a copy of such notice shall be personally served upon or duly mailed to each stockholder or member at his last-known post-office address at least three weeks before the meeting.

§ 46. Conduct of such meeting; certificate of increase or reduction.—If, at the time and place specified in the notice, the stockholders shall appear in person or by proxy, in numbers representing

at least a majority of all the shares of stock, they shall organize by choosing from their number a chairman and secretary, and take a vote of those present in person or by proxy, and if a sufficient number of votes shall be given in favor of such increase or reduction, a certificate of the proceedings, showing a compliance with the provisions of this chapter, the amount of capital actually paid in, the whole amount of debts and liabilities of the corporation, and the amount of the increased or reduced capital stock, shall be made, signed, verified and acknowledged by the chairman and secretary of the meeting, and filed in the office of the clerk of the county where its principal place of business shall be located, and a duplicate thereof in the office of the secretary of state. In case of a reduction of the capital stock, except of a railroad corporation, or a monied corporation, such certificate shall have indorsed thereon the approval of the comptroller, to the effect that the reduced capital is sufficient for the proper purposes of the corporation, and is in excess of its debts and liabilities, and in case of the increase, or reduction of the capital stock of a railroad corporation, or a monied corporation, the certificate shall have indorsed thereon the approval of the board of railroad commissioners, if a railroad corporation; of the superintendent of banks, if a corporation formed under or subject to the banking law; and of the superintendent of insurance, if an insurance corporation.

When the certificate herein provided for has been filed, the capital stock of such corporation shall be increased or reduced, as the case may be, to the amount specified in such certificate. The proceedings of the meeting at which such increase or reduction is voted, shall be entered upon the minutes of the corporation. If the capital stock is reduced, the amount of capital over and above the amount of the reduced capital shall be returned to the stockholders pro rata at such times and in such manner as the directors shall determine. (*Thus amended by chap. 700, Laws of 1893.*)

§ 47. Preferred and common stock.—Every domestic stock corporation may have preferred and common stock, and different classes of preferred stock, if the certificate of incorporation so provides or by the unanimous consent of the stockholders, and may, upon the written request of the holder of any preferred stock, by a two-thirds vote of its directors, exchange the same for common stock, and issue certificates for common stock therefor, share for share, or upon such other valuation as may have been agreed upon in the scheme for the organization of such corporation, or the issue of such preferred stock, but the total amount of such capital stock shall not be increased thereby.

§ 48. Prohibited transfers to officers or stockholders.—No corporation which shall have refused to pay any of its notes or other obligations when due, in lawful money of the United States, nor any of its officers or directors, shall transfer any of its property to any of its officers, directors or stockholders, directly or indirectly, for the payment of any debt, or upon any other consideration than the full value of the property paid in cash. No conveyance, assignment or transfer of any property of any such corporation by it or by any officer, director or stockholder thereof, nor any payment made, judgment suffered, lien created or security given by it or by any officer, director or stockholder when the corporation is insolvent or its insolvency is imminent, with the intent of giving a preference to any particular creditor over other creditors of the corporation shall be valid.

Every person receiving by means of any such prohibited act or deed any property of the corporation shall be bound to account therefor to its creditors or stockholders or other trustees.

No stockholder of any such corporation shall make any transfer or assignment of his stock therein to any person in contemplation of its insolvency. Every transfer or assignment or other act done in violation of the foregoing provisions of this section shall be void.

No conveyance, assignment or transfer of any property of a corporation formed under or subject to the banking law, exceeding in value one thousand dollars shall be made by such corporation, or by any officer or director thereof, unless authorized by a previous resolution of its board of directors, except promissory notes or other evidences of debt issued or received by the officers of the corporation in the transaction of its ordinary business and except payments in specie or other current money or in bank bills made by such officers. No such conveyance, assignment or transfer shall be void in the hands of a purchaser for a valuable consideration without notice.

Every director or officer of a corporation who shall violate or be concerned in violating any provision of this section, shall be personally liable to the creditors and stockholders of the corporation of which he shall be director or an officer to the full extent of any loss they may respectively sustain by such violation.

§ 49. Payment by stockholders of mortgage debt pending foreclosure.—Whenever default shall be made by any corporation in the payment of principal or interest of any of its bonds secured by mortgage or deed of trust of its property, any stockholder may at any time during the pendency of the foreclosure of such mortgage or deed of trust and before the sale thereunder pay to

the mortgagees or grantees in such mortgage or deed, for the use and benefit of the holders of such bonds, a sum equal to such proportion of the amount due and secured to be paid by such mortgage or deed, as his stock in such corporation shall bear to its whole capital stock, and on making such payment he shall to the extent thereof become and be interested in such mortgage or deed and protected thereby.

§ 50. **Application to court to order issue of new in place of lost certificate of stock.**—The owner of a lost or destroyed certificate of stock, if the corporation shall refuse to issue a new certificate in place thereof, may apply to the supreme court, at any special term held in the district where he resides, or in which the principal business office of the corporation is located, for an order requiring the corporation to show cause why it should not be required to issue a new certificate in place of the one lost or destroyed. The application shall be by petition, duly verified by the owner, stating the name of the corporation, the number and date of the certificate, if known, or if it can be ascertained by the petitioner; the number of shares named therein, to whom issued, and as particular a statement of the circumstances attending such loss or destruction as the petitioner can give. Upon the presentation of the petition the court shall make an order requiring the corporation to show cause, at a time and place therein mentioned, why it should not issue a new certificate of stock in place of the one described in the petition. A copy of the petition and order shall be served on the president or other head of the corporation, or on the secretary or treasurer thereof, personally, at least ten days before the time for showing cause.

§ 51. **Order of court upon such application.**—Upon the return of the order, with proof of due service thereof, the court shall, in a summary manner, and in such mode as it may deem advisable, inquire into the truth of the facts stated in the petition, and hear the proofs and allegations of the parties in regard thereto, and if satisfied that the petitioner is the lawful owner of the number of shares, or any part thereof, described in the petition, and that the certificate therefor has been lost or destroyed, and cannot after due diligence be found, and that no sufficient cause has been shown why a new certificate should not be issued, it shall make an order requiring the corporation, within such time as shall be therein designated, to issue and deliver to the petitioner a new certificate for the number of shares specified in the order, upon depositing such security, or filing a bond in such form and with such sureties as to the court shall appear sufficient to indemnify any person other than the petitioner

who shall thereafter be found to be the lawful owner of the certificate lost or destroyed; and the court may direct the publication of such notice, either before or after making such order as it shall deem proper. Any person claiming any rights under the certificates alleged to have been lost or destroyed shall have recourse to such indemnity, and the corporation shall be discharged from all liability to such person upon compliance with such order; and obedience to the order may be enforced by attachment against the officer or officers of the corporation on proof of his or their refusal to comply with it.

§ 52. Financial statement to stockholders.—Stockholders owning five per centum of the capital stock of any corporation other than a monied corporation, not exceeding one hundred thousand dollars, or three per centum where it exceeds one hundred thousand dollars, may make a written request to the treasurer or chief fiscal officer thereof, for a statement of its affairs, under oath, embracing a particular account of all its assets and liabilities, and the treasurer shall make such statement and deliver it to the person presenting the request within thirty days thereafter, and keep on file for twelve months thereafter a copy of such statement, which shall at all times during business hours be exhibited to any stockholder demanding an examination thereof; but the treasurer or such chief fiscal officer shall not be required to deliver more than one such statement in any one year. The supreme court, or any justice thereof, may upon application, for good cause shown, extend the time for making and delivering such certificate. For every neglect or refusal of the treasurer or other chief fiscal officer thereof to comply with the provisions of this section he shall forfeit and pay to the person making such request the sum of fifty dollars, and the further sum of ten dollars for every twenty-four hours thereafter until such statement shall be furnished.

§ 53. Exhibition of books by transfer agent of foreign corporation.—The transfer agent in this state of any foreign corporation whether such agent shall be a corporation or a natural person, shall, at all times during the usual hours of transacting business, exhibit to any stockholder of such corporation, when required by him, the transfer book, and a list of the stockholders thereof, if in his power to do so, and for every violation of the provisions of this section, such agent, or any officer or clerk of such agent, shall forfeit the sum of two hundred and fifty dollars, to be recovered by the person to whom such refusal was made.

§ 54. **Liabilities of stockholders.**—The stockholders of every stock corporation shall, jointly and severally, be personally liable to its creditors, to an amount equal to the amount of the stock held by them respectively, for every debt of the corporation, until the whole amount of its capital stock issued and outstanding at the time such debt was incurred shall have been fully paid. The stockholders of every stock corporation shall, jointly and severally be personally liable for all debts due and owing to any of its laborers, servants or employes other than contractors, for services performed by them for such corporation. Before such laborer, servant or employe shall charge such stockholder for such services, he shall give him notice in writing, within thirty days after the termination of such services that he intends to hold him liable, and shall commence an action therefor within thirty days after the return of an execution unsatisfied against the corporation upon a judgment recovered against it for services. No person holding stock in any corporation as collateral security, or as executor, administrator, guardian or trustee, unless he shall have voluntarily invested the trust funds in such stock, shall be personally subject to liability as a stockholder; but the person pledging such stock shall be considered the holder thereof, and shall be liable as stockholder; and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in the like manner and to the same extent as the testator or intestate, or the ward, or person interested in such trust fund would have been, if he had been living and competent to act and held the same stock in his own name, unless it appears that such executor, administrator, guardian or trustee voluntarily invested the trust funds in such stocks, in which case he shall be personally liable as a stockholder.

§ 55. **Limitation of stockholder's liability.**—No action shall be brought against a stockholder for any debt of the corporation until judgment therefor has been recovered against the corporation, and an execution thereon has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs against the stockholder. No stockholder shall be personally liable for any debt of the corporation not payable within two years from the time it is contracted, nor unless an action for its collection shall be brought against the corporation within two years after the debt becomes due; and no action shall be brought against a stockholder after he shall have ceased to be a stockholder, for any debt of the corporation, unless brought within two years from the time he shall have ceased to be a stockholder.

§ 56. Increase or reduction of number of shares.— A stock corporation may provide that the number of shares into which its capital stock is divided shall be increased or reduced by a two-thirds vote of all stock duly represented at a meeting held and conducted in like manner, and upon filing a like certificate, as required for the increase or reduction of its capital stock. If such increase or reduction of the number of shares be so authorized, the corporation shall issue to each stockholder certificates for as many shares of the new stock as equal in par value the shares of the old stock held by him, upon surrender and cancellation of such old stock. This section does not authorize the increase or reduction of the capital stock of such corporation. (*This section added by chap. 196, Laws 1893.*)

THE RAILROAD LAW.

Being chapter 565 of the Laws of 1890, as amended by chapters 362 and 367 of the Laws of 1891, and by chapters 306, 460, 534, 676, 700 and 702 of the Laws of 1892, and by chapters 316, 433, 434 and 546 of the Laws of 1893, and by chapters 452, 648, 693 and 723 of the Laws of 1894.

AN ACT in relation to railroads, constituting chapter thirty-nine of the general laws.

CHAPTER XXXIX OF THE GENERAL LAW.

THE RAILROAD LAW.

- ARTICLE 1.** Organization; general powers; location (§§ 1-31).
 2. Construction; operation; management (§§ 30-59).
 3. Consolidation; lease; sale; reorganization (§§ 70-83).
 4. Street surface railroads (§§ 90-110).
 5. Other railroads in cities and counties (§§ 120-143).
 6. Board of railroad commissioners (§§ 150-171).

ARTICLE I.

ORGANIZATION, GENERAL POWERS, LOCATION.

- SECTION 1.** Short title.
 2. Incorporation.
 3. Supplemental certificate.
 4. Additional powers conferred.
 1. Entry upon land for purpose of survey.
 2. Acquisition of real property.
 3. Construction of road.
 4. Intersection of streams, highways, plank-roads, turnpikes and canals.
 5. Intersection of other railroads.
 6. Buildings and stations.
 7. Transportation of persons and property.
 8. Time and manner of transportation.
 9. Purchase of lands and stock in other states.
 5. When corporate powers to cease.
 6. Location of route.
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 8. Railroads through public lands.
 9. Railroads through Indian lands.
 10. Railroads through Chautauqua assembly grounds.
 11. Intersection of highways, additional lands for.
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 15. Two roads having the same location.
 16. Tunnel railroads.

SECTION 17. Railroads in foreign countries.

18. Additional corporate powers of such road.
19. Location of principal office of such road.
20. Individual, joint-stock association, or other corporation may lay down and maintain railroad tracks in certain cases.
21. When electric light and power corporation may become a railroad corporation.
21. Certain roads to be operated in the summer only.

SECTION 1. Short title. — This chapter shall be known as the railroad law.

§ 2. Incorporation. — Fifteen or more persons may become a corporation, for the purpose of building, maintaining and operating a railroad, or of maintaining and operating a railroad already built, not owned by a railroad corporation, or for both purposes, by executing, acknowledging and filing a certificate, in which shall be stated:

1. The name of the corporation.
2. The number of years it is to continue.
3. The kind of road to be built or operated.
4. Its length and termini.
5. The name of each county in which any part of it is to be located.
6. The amount of capital stock, which shall not be less than ten thousand dollars for every mile of road built, or proposed to be built, except a narrow-gauge road, when it shall not be less than three thousand dollars for every such mile.
7. The number of shares into which the capital stock is to be divided.
8. If the capital stock is to consist of common and preferred stock, the amount of each class and the rights and privileges of the latter over the former.
9. The names and post-office addresses of the directors of the corporation, not less than nine, who shall manage its affairs for the first year.
10. The place where its principal office is to be located.
11. If a street surface railroad, the names and description of the streets, avenues and highways in which the road is to be constructed.
12. If it is to be a railway corporation, specified in article five of this chapter, the statements required by that article to be inserted in the certificate of incorporation.
13. The name and post-office address of each subscriber to the certificate and the number of shares of stock he agrees to take.

Such certificate shall have indorsed thereon, or annexed thereto, to be taken as a part thereof, an affidavit of at least three of such direct-

ors that at least ten per cent of the minimum amount of capital stock authorized by law has been subscribed thereto, and paid in good faith and in cash to the directors named in the certificate, and that it is intended in good faith to build, maintain and operate the road mentioned therein. In case of a railway corporation specified in article five of this chapter, the affidavit of the directors shall show that the full amount of such capital stock has been in good faith subscribed, and there shall be annexed to the certificate of incorporation and as a part thereof the certificate of the railroad commissioners showing the organization of the corporation for the purposes mentioned in the certificate.

The filing of every certificate, where the amount of stock required by this section has not been in good faith subscribed and paid in cash, shall be void. (*Thus amended by chap. 676, Laws 1892.*)

See, also, chap. 233, Laws 1893, *post*.

§ 3. Supplemental certificate.—If the names and places of residence of the directors of the corporation have been omitted from the certificate, when executed and acknowledged, and thereafter the requisite number of directors has been chosen at a meeting of the subscribers to the certificate, a supplemental certificate, containing their names and places of residence, may be filed with such certificate with the same force and effect as if the names and places of residence of the directors had been originally inserted therein.

§ 4. Additional powers conferred.—Subject to the limitations and requirements of this chapter, every railroad corporation, in addition to the powers given by the general and stock corporation laws, shall have power:

1. **Entry upon lands for purposes of survey.**—To cause the necessary examination and survey for its proposed railroad to be made for the selection of the most advantageous route; and for such purpose, by its officers, agents or servants, to enter upon any lands or waters subject to liability to the owner for all damages done.

2. **Acquisition of real property.**—To take and hold such voluntary grants of real estate and other property as shall be made to it to aid in the construction, maintenance and accommodation of its railroad; and to acquire by condemnation such real estate and property as may be necessary for such construction, maintenance and accommodation in the manner provided by law, but the real property acquired by condemnation shall be held and used only for the purposes of the corporation during the continuance of the corporate existence.

3. Construction of road.—To lay out its road not exceeding six rods in width, and to construct the same; and, for the purpose of cuttings and embankments, to take such additional lands as may be necessary for the proper construction and security of the road; and to cut down any standing trees that may be in danger of falling on the road, upon making compensation therefor.

4. Intersection of streams, highways, plank-roads, turn-pikes and canals.—To construct its road across, along or upon any stream, water-course, highway, plank-road, turnpike, or across any of the canals of the State, which the route of its road shall intersect or touch.

5. Intersection of other railroads.—To cross, intersect, join, or unite its railroad with any other railroad before constructed, at any point on its route and upon the ground of such other railroad corporation, with the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its connections.

6. Buildings and stations.—To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of its passengers, freight and business.

7. Transportation of persons and property.—To take and convey persons and property on its railroad by the power or force of steam or of animals, or by any mechanical power, except where such power is specially prescribed in this chapter, and to receive compensation therefor.

8. Time and manner of transportation.—To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor.

9. Purchase of lands and stock in other states.—To acquire and dispose of any real property in any other State through which any part of its railroad is operated, and stock in any foreign corporation owning lands in another state for the purpose of securing for such railroad corporation in this state a permanent supply of fuel for its use, and stock of corporations in this state, formed for the purpose of erecting union railway depots.

10. From time to time to borrow such sums of money as may be necessary for completing and finishing or operating its railroad and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its property and franchises to secure the payment of any debts contracted by the company for the purposes aforesaid. (*These amended by chap. 676, Laws 1892.*)

§ 5. When corporate powers to cease.— If any domestic railroad corporation shall not, within five years after its certificate of incorporation is filed, begin the construction of its road and expend thereon ten per centum of the amount of its capital, or shall not finish its road and put it in operation in ten years from the time of filing such certificate, its corporate existence and powers shall cease. But if any such steam railroad corporation whose certificate of incorporation was filed since the year eighteen hundred and eighty, and whose road as designated in such certificate is wholly within one county and not more than ten miles in length, has acquired the real property necessary for its road-bed by purchase, its corporate existence and powers shall not be deemed to have ceased because of its failure to comply with the provisions of this article; and the time for beginning the construction of its road and expending thereon ten per centum of its capital, is extended until thirteen years from the date of the filing of such certificate and the time for finishing its road and putting it in operation, is extended until eighteen years from the date of such filing. (*Thus amended by chap. 433, Laws 1893.*)

§ 6. Location of route.— Every railroad corporation, except a street surface railroad corporation and an elevated railway corporation, before constructing any part of its road in any county named in its certificate of incorporation, or instituting any proceeding for the condemnation of real property therein, shall make a map and profile of the route adopted by it in such county, certified by the president and engineer of the corporation or a majority of the directors, and file it in the office of the clerk of the county in which the road is to be made. The corporation shall give written notice to all actual occupants of the lands over which the route of the road is so designated, and which has not been purchased by or given to it, of the time and place such map and profile were filed, and that such route passes over the lands of such occupants. Any such occupant or the owner of the land aggrieved by the proposed location, may, within fifteen days after receiving such notice, give ten days' written notice to such corporation and to the owners or occupants of lands to be affected by any proposed alteration, of the time and place of an application to a justice of the supreme court, in the judicial district where the lands are situated, by petition duly verified, for the appointment of commissioners to examine the route.

The petition shall state the objections to the route designated, shall designate the route to which it is proposed to alter the same, and shall be accompanied with a survey, map and profile of the route designated by the corporation, and of the proposed alteration thereof, and copies thereof shall be served upon the corporation and such owners or occupants with the notice of the application. The justice may, upon the hearing of the application, appoint three disinterested persons, one of whom must be a practical civil engineer, commissioners to examine the route proposed by the corporation, and the route to which it is proposed to alter the same, and after hearing the parties, to affirm the route originally designated, or adopt the proposed alteration thereof, as may be consistent with the just rights of all parties and the public, including the owners or occupants of lands upon the proposed alteration; but no alteration of the route shall be made except by the concurrence of the commissioner, who is a

practical civil engineer, nor which will cause greater damage or injury to lands or materially greater length of road than the route designated by the corporation, nor which shall substantially change the general line adopted by the corporation.

The commissioners shall, within thirty days after their appointment, make and certify their written determination, which with the petition, map, survey and profile, and any testimony taken before them shall be immediately filed in the office of the county clerk of the county. Within twenty days after such filing, any party may, by written notice to the other, appeal to the general term of the supreme court from the decision of the commissioners, which appeal shall be heard and decided at the next term held in the department in which the lands of the petitioners or any of them are situated, for which the same can be noticed, according to the rules and practice of the court. On the hearing of such appeal, the court may affirm the route proposed by the corporation or may adopt that proposed by the petitioner.

The commissioners shall each be entitled to six dollars per day for their services, and to their reasonable and necessary expenses, to be paid by the persons who applied for their appointment. If the route of the road, as designated by the corporation, is altered by the commissioners, or by the order of the court, the corporation shall refund to the petitioner the amount so paid, unless the decision of the commissioners is reversed upon appeal taken by the corporation. No such corporation shall institute any proceedings for the condemnation of real property in any county until after the expiration of fifteen days from the service by it of the notice required by this section. Every such corporation shall transmit to the board of railroad commissioners the following maps, profiles and drawings exhibiting the characteristics, of their road, to wit: A map or maps showing the length and direction of each straight line; the length and radius of each curve; the point of crossing of each town and county line, and the length of line of each town and county accurately determined by measurements to be taken after the completion of the road.

Whenever any part of the road is completed and used, such maps and profiles of such completed part shall be filed with such board within three months after the completion of any such portion and the commencement of its operation; and when any additional portion of the road shall be completed and used, other maps shall be filed within the same period of time, showing the additional parts so completed. If the route, as located upon the map and profile filed in the office of any county clerk, shall have been changed, it shall also cause

a copy of the map and profile filed in the office of the railroad commissioners, so far as it may relate to the location in such county, to be filed in the office of the county clerk. (*Thus amended by chap. 676, Laws 1892.*)

§ 7. **Acquisition of title to real property.**—All real property, required by any railroad corporation for the purpose of its incorporation, shall be deemed to be required for a public use. If the corporation is unable to agree for the purchase of any real property, or of any right, interest or easement therein, required for such purpose, or if the owner thereof shall be incapable of selling the same, or if after diligent search and inquiry the name and residence of such owner can not be ascertained, it shall have the right to acquire title thereto by condemnation. It shall also have such right in the following cases:

1. Where title to real property has been acquired, or attempted to be acquired, and has been found to be invalid or defective.

2. Where its railroad shall be lawfully in possession of a lessee, mortgagee, trustee or receiver, and additional real property shall be required for the purpose of running or operating such railroad.

3. Where it shall require any further rights to lands or the use of lands for switches, turnouts, or for filling any structures of its road, or for constructing, widening or completing any of its embankments or roadbeds, by means of which greater safety or permanency may be secured, and such lands shall be contiguous to such railroad and reasonably accessible to the place where the same are to be used for such purpose or purposes.

4. Where it shall require any further right to lands or to the use of lands for the flow of water occasioned by railroad embankments or structures now in use, or hereafter rendered necessary, or for any other purpose necessary for the operation of such railroad, or for any right to take and convey water from any spring, pond, creek or river to such railroad, for the uses and purposes thereof, together with the right to build or lay aqueducts or pipes for the purpose of conveying such water, and to take up, relay and repair the same, or for any right of way required for carrying away or diverting any water, stream or floods from such railroad for the purpose of protecting its road or for the purpose of preventing any embankment, excavation or structure of such railroad from injuring the property of any person who may be rendered liable to injury thereby.

Waters commonly used for domestic, agricultural or manufacturing purposes, shall not be taken by condemnation to such an extent as to

injuriously interfere with such use in the future. No railroad corporation shall have the right to acquire by condemnation any right or easement in or to any real property owned or occupied by any other railroad corporation, except the right to intersect or cross the tracks and lands owned or held for right of way by such other corporation without appropriating or affecting any lands owned or held for depots or gravel-beds. (*Thus amended by chap. 676, Laws 1892.*)

§ 8. Railroads through public lands.—The commissioners of the land office may grant to any domestic railroad corporation any land belonging to the people of the state, except the reservation at Niagara and the Concourse lands on Coney island, which may be required for the purposes of its road on such terms as may be agreed on by them; or such corporation may acquire title thereto by condemnation; and the county or town officers having charge of any land belonging to any county or town, required for such corporation for the purpose of its road, may grant such land to the corporation for such compensation as may be agreed upon.

§ 9. Railroads through Indian lands.—Any railroad corporation may contract with the chiefs of any nation of Indians, over whose lands it may be necessary to construct its railroad, for the right to make such road upon such lands, but such contract shall not vest in the corporation the fee to the land, nor the right to occupy the same for any purposes other than may be necessary for the construction, occupancy and maintenance of such railroad, and such contract shall not be valid or effectual until it shall be ratified by the county court of the county where the land shall be situated.

§ 10. Railroads through Chautauqua assembly grounds.—No railroad corporation shall build, construct or operate any railroad in, upon, over or through the grounds, lands or premises owned by the Chautauqua assembly corporation in the town and county of Chautauqua, without the written consent of a majority of the board of trustees of such assembly corporation.

§ 11. Intersection of highways, additional lands for.—No railroad corporation shall erect any bridge or other obstruction across, in or over any stream or lake, navigated by steam or sail boats at the place where it may be proposed to be erected, nor shall it construct its road in, upon or across any street of any city without the assent of the corporation of such city, nor across, upon or along any highway in any town or street in any incorporated village, with-

out the order of the supreme court of the district in which such highway or street is situated, made at a special term thereof, after at least ten days' written notice of the intention to make application for such order shall have been given to the commissioners of highways of such town, or board of trustees of the village in which such highway or street is situated. Every railroad corporation which shall build its road along, across or upon any stream, watercourse, street, highway, plankroad or turnpike, which the route of its road shall intersect or touch, shall restore the stream or watercourse, street, highway, plankroad and turnpike, thus intersected or touched, to its former state, or to such state as not to have unnecessarily impaired its usefulness, and any such highway, turnpike or plankroad may be carried by it, under or over its track, as may be found most expedient. Where an embankment or cutting shall make a change in the line of such highway, turnpike or plankroad desirable, with a view to a more easy ascent or descent, it may construct such highway, turnpike or plankroad, on such new line as its directors may select, and may take additional lands therefor by condemnation if necessary. Such lands so taken shall become part of such intersecting highway, turnpike or plankroad, and shall be held in the same manner and by the same tenure as the adjacent parts of the highway, turnpike or plankroad are held for highway purposes. Every railroad corporation shall pay all damages sustained by any turnpike or plankroad corporation in consequence of its crossing or occupation of any turnpike or plankroad, and in case of inability to agree upon the amount of such damages it may acquire the right to such crossing or occupation by condemnation.

§ 12. **Intersection of other railroads.**—Every railroad corporation, whose road is or shall be intersected by any new railroad, shall unite with the corporation owning such new railroad in forming the necessary intersections and connections, and grant the requisite facilities therefor. If the two corporations can not agree upon the amount of compensation to be made therefor or upon the line or lines, grade or grades, points or manner of such intersections and connections, the same shall be ascertained and determined by commissioners, one of whom must be a practical civil engineer and surveyor, to be appointed by the court, as is provided in the condemnation law. Such commissioners may determine whether the crossing or crossings of any railroad before constructed shall be beneath, at, or above the existing grade of such railroad, and upon the route designated upon the map of the corporation seeking the crossing or otherwise. All

railroad corporations whose roads are or shall hereafter be so crossed, intersected or joined, shall receive from each other and forward to their destination all goods, merchandise and other property intended for points on their respective roads, with the same dispatch as, and at a rate of freight not exceeding the local tariff rate charged for similar goods, merchandise and other property, received at or forwarded from the same point for individuals and other corporations. (*Thus amended by chap. 676, Laws 1892.*)

§ 13. **Change of route, grade or terminus.**—Every railroad corporation, except elevated railway corporations, may, by a vote of two-thirds of all its directors, alter or change the route or any part of the route of its road or its termini, or locate such route, or any part thereof, or its termini, in a county adjoining any county named in its certificate of incorporation, if it shall appear to them that the line can be improved thereby, upon making and filing in the clerk's office of the proper county a survey, map and certificate of such alteration or change. If the same is made after the corporation has commenced grading the original route, compensation shall be made to all persons for injury done by such grading to any lands donated to the corporation. But neither terminus can be changed, under this section, to any other county than one adjoining that in which it was previously located; nor can the route or terminus of any railroad be so changed in any town, county or municipal corporation, which has issued bonds and taken any stock or bonds in aid of the construction of such railroad without the written consent of a majority of the taxpayers appearing upon the last assessment-roll of such town, county or municipal corporation, unless such terminus, after the change, will remain in the same village or city as theretofore. No alteration of the route of any railroad after its construction shall be made, or new line or route of road laid out or established, as provided in this section, in any city or village, unless approved by a vote of two-thirds of the common council of the city or trustees of the village. Any railroad corporation whose road as located terminates at any railroad previously constructed or located, whereby communication might be had with any incorporated city of the state, may amend its certificate of incorporation so as to terminate its road at the point of its intersection with any railroad subsequently located to intersect it, and thereby, by itself or its connections, afford communication with such city, with the consent of the stockholders owning two-thirds of the stock of the corporation. Any railroad corporation may, by a vote of its directors, change the grade

of any part of its road, except in the city of Buffalo, in such manner as it may deem necessary to avoid accidents and to facilitate the use of such road; and it may by such vote alter the grade of its road, for such distance and in such manner as it may deem necessary, on each or either side of the place where the grade of its road has been changed by direction of the superintendent of public works, at any point where its road crosses any canal or canal feeder, except in the city of Buffalo. The superintendent of public works shall have a general and supervisory power over that part of any railroad which passes over, or approaches within ten rods of, any canal or feeder belonging to the state so far as may be necessary to preserve the free and perfect use of such canals or feeders, or to make any repairs, improvements or alterations in the same. Any railroad corporation whose tracks cross any of the canals of the state, and the grade of which may be raised by direction of the superintendent of public works, with the assent of such superintendent, may lay out a new line of road to cross such canal at a more favorable grade, and may extend such new line and connect the same with any other line of road owned by such corporation, upon making and filing in the clerk's office of the proper county a survey map and certificate of such new or altered line. No portion of the track of any railroad, as described in its certificate of incorporation, shall be abandoned under this section. (*Thus amended by chap. 676, Laws 1892.*)

§ 14. Construction of part of line in another state. — Any railroad corporation, whose proposed railroad is to be built between any two points in this State, may, by a vote of two-thirds of all its directors, locate and construct a part of its road in an adjoining state, and the sections of its road within this state shall be deemed a connected line, according to the certificate of incorporation, and the directors may reduce the capital stock of the corporation to such amount as may be deemed proper, but not less than ten thousand dollars per mile for the number of miles of roads to be actually constructed in this state.

§ 15. Two roads having the same location. — If two railroad corporations for a portion of their respective lines embrace the same location of line, or if their lines connect, or are tributary to each other, such corporations may by agreement provide for the construction by one of them of so much of such line as is common to both, or connects with its own line, and for the manner and terms upon which the business thereon shall be performed, and the corporation that is not to construct the part of the line which is common to both, may amend

its certificate of incorporation, and terminate its line at the point of intersection, and may reduce its capital to a sum not less than ten thousand dollars for each mile of road proposed to be constructed in such amended certificate.

§ 16. **Tunnel railroads.** — When, according to the route and plan for the building of its road, adopted by any railroad corporation, including corporations organized under chapter one hundred and forty of the laws of eighteen hundred and fifty, and the acts amendatory thereof and supplementary thereto, it shall be necessary or proper to build it or any part of it underground, or to tunnel or bridge any river or waters, such corporation may enter upon, acquire title to and use such lands under water and uplands, except on or along any canals of the state, as shall be necessary for the purpose herein mentioned, and may construct, erect and secure the necessary foundations and other structures which may be required for operating and maintaining such road or connecting the same with another, and to acquire, in the manner provided by law, such land or rights or easements in lands along its route, upon, over or beneath the surface thereof as may be necessary for the construction of its road and making such connections. Where such road runs underneath the ground, at such depth as to enable the corporation to tunnel the same, such tunnel shall be so built and at all times kept in such condition as to make the surface of the ground above the same and in the neighborhood thereof firm and safe for buildings and other erections thereon and if surface excavations are made the surface shall be restored to its former condition as soon as can be done, except so far as may be actually required for ventilation of the tunnel beneath the same or access thereto. Such road or any part of it may be built within the limits of any city or incorporated village of this state and run by means of a tunnel underneath any of the streets, roads or public places thereof, provided such corporation shall, before constructing the same underneath any such street, road or public place have obtained the consent of the owners of one-half in value of the property bounded on the line of such street, road or public place, and the consent of the board of trustees of the village, by a resolution adopted at a regular meeting and entered on the records of the board, or of the proper authorities of the city having control of such streets, roads or public places. If the consent of such property-owners can not be obtained, the general term of the supreme court in the district in which said city or village or any part thereof is situated, may upon application appoint three commissioners, who shall determine, after

a hearing of all parties interested, whether such railroad ought to be built underneath such streets, roads or public places, or any of them, and in what manner the same may be so built with the least damage to the surface, and to the use of the surface by the public, and the determination of the commissioners confirmed by the court may be taken in lieu of the consent of the property-owners. All railroad corporations constructing their road under this section shall be subject to all the provisions of this chapter applicable thereto. Any other railroad corporation may connect its road therewith, at such points or places as it may elect, and where such connections shall be made by connecting roads, the railroad corporations owning such roads shall build, at their joint expense, and for their joint use, such passenger and freight depots, and other accommodations for handling passengers and freight, as may be required for the convenience of the public. All railroad corporations, constructing any tunnel under this section, shall be liable to any person or corporation for all damages which may be sustained by reason of the construction of such tunnel. Whenever it shall be necessary in constructing any railroad authorized by this section through any city or incorporated village, to alter the position or course of any sewer, or water or gas pipes, it shall be done at the expense of the railroad corporation under the direction of the department or corporation having charge thereof, so as not to interfere with such work. In all cases the uses of streets, docks and lands beneath which such railroad is constructed, and on the route thereof and the right of way beneath the same, for the purpose of such railroad, shall be considered, and is hereby declared, a public use, consistent with and one of the uses for which streets and docks are publicly held. No public park or square in any city or village of this State shall be used or occupied by any corporation for any of the purposes of this section, and every road constructed hereunder in or through any such street or public place shall be wholly underground and constructed in a tunnel and not otherwise, but nothing in this section shall operate to revive any charter or franchise heretofore granted by or in the city of Brooklyn. This act does not authorize the construction of any bridge over or across the East or North rivers. (*Thus amended by chap. 316, Laws 1893.*)

§ 17. Railroads in foreign countries.—A railroad corporation may be formed under this chapter for the purpose of constructing maintaining and operating in any foreign country a railroad for public use in the transportation of persons and property, or for the purpose of maintaining and operating therein any railroad already constructed, in whole or in part, for the like public use, and of

constructing, maintaining and operating, in connection therewith, telegraph lines and lines of steamboats or sailing vessels. Any corporation formed for the construction and operation of a railroad by stationary power, may construct, operate and maintain a railroad in any other state or country, if not in conflict with the laws thereof, but the assent of the inventors or patentees of the method of propulsion used must be first obtained in the same manner and to the same extent as would be necessary within the United States. (*Thus amended by chap. 676, Laws 1892.*)

§ 18. Additional corporate powers of such road.—The corporation specified in the preceding section shall have the following additional powers:

1. To expend money in making preliminary examinations and surveys for its proposed railroad, telegraph lines, and lines of steamboats and sailing vessels, and in acquiring from foreign countries, nations or governments, the grants, concessions and privileges herein authorized.

2. To take and receive from foreign countries, nations and governments, such grants, concessions or privileges, for the construction, acquisition, maintenance and operation of railroads, telegraph lines and vessels, as may be consistent with the purposes of the corporation, and as may be granted and conceded to it, and to hold the same, under such restrictions and with such duties and liabilities as may be fixed by the laws of such foreign country, nation or government, or as may be annexed to such grants or concessions.

3. To construct, acquire, maintain and operate the lines of railroad, telegraph and shipping provided for by its certificate of incorporation, and to take and hold by purchase or by voluntary grant such real estate and other property in foreign countries as may be necessary and convenient for the construction, maintenance and accommodation of such lines, and to sell, convey, mortgage or lease such real estate or other property; and to acquire by purchase or otherwise any railroad or lines of telegraph constructed or in process of construction in any foreign country, and any grants, concessions, franchises, rights, privileges and immunities relating thereto, and to mortgage or sell and convey the same, or any part of its property to any person or corporation created by this or any other state or foreign government, subject to the laws of the country or countries where such property may be, and the power of sale hereby granted shall be exercised only by a majority of the entire board of directors of the corporation, with the written concurrence of the holders of two-thirds in amount of its capital stock.

4. To take and convey persons and property on its transportation lines by the power or force of steam or of animals, or by mechanical or other power, and receive compensation therefor subject to the laws of the place or country where the same are situated.

5. To acquire and use such real estate and other property in this state as may be necessary in the conduct of its business, but the value of such real estate held at any one time shall not exceed the sum of one million dollars.

§ 19. Location of principal office of such road.— Every such corporation shall maintain its principal office within this state and shall have, during business hours, an officer or agent upon whom service of process may be made, and shall hold in this state at least one meeting of the stockholders in each year for the choice of directors, which shall be known as the annual meeting and be held at the time and place fixed by the by-laws of the corporation. (*Thus amended by chap. 676, Laws 1892.*)

§ 20. Individual, joint stock association, or other corporation may lay down and maintain railroad tracks in certain cases.— Any individual, joint stock association or corporation, engaged in any lawful business in this state, may, except in any city of the state, lay down and maintain such railroad tracks on or across any street or highway, not exceeding three miles in length, as shall be necessary for the transaction of its business, and to connect any place of business owned by them with the track of any railroad corporation, and render such place of business more accessible to the public, upon obtaining the written consent of the owners of all the lands bounded on and of the local authorities having control of that portion of the street or highway, upon which it is proposed to construct or operate such railroad. If the consent of such property owners can not be obtained, the general term of the supreme court of the department in which such railroad is to be constructed, may upon application, appoint three commissioners, who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and the amount of damages, if any, to be paid to such property owners, and their determination confirmed by the court may be taken in lieu of the consent of the property owners. But no such railroad shall be so located, graded, built or operated as to interfere with or obstruct the traveled part of any highway, or its use as a highway, or the use of any street or highway intersecting the same.

§ 21. When an electric light and power corporation may become a railroad corporation.— When all the stockholders of any domestic electric light and power company incorporated under a general law, having not less than five stockholders, and actually carrying on business in this state, shall execute and file in the offices in which it* original certificates of incorporation are filed an amended certificate of incorporation, complying in every other respect than as to the number of signers and directors, who shall be not less than five, with the provisions of the railway law, and in which certificate the corporate name of such corporation shall be amended by adding before the word "company," in its corporate name, the words "and railroad," or the words "railroad and land," such corporation shall have the right to build, maintain and operate by electricity, as a motive power, a railroad not exceeding twenty miles in length and within that distance from the power station and not to exceed four miles in length in any city, and such corporation shall otherwise be subject to all the provisions of this chapter and have all the powers, rights and privileges conferred by it upon railroad corporations, provided that no such corporation shall construct any railroad which is in whole or in part a street surface railroad, without complying with the provisions of article four of this chapter. Upon filing such certificate such corporation shall also have the right to acquire by gift or voluntary purchase and sale land not exceeding two thousand acres, along the line or contiguous to said railroad, and to hold, improve, lease and sell the same. (*Thus amended by chap. 648, Laws 1894.*)

* § 21. Any corporation, whose railroad is or shall be not longer than sixteen miles and is or shall be in large part intended for or used in summer travel or the convenience of summer sojourners need not operate its road beyond the months of June, July, August and September, inclusive. The motive power may be electricity. If the road be not longer than ten miles, such corporation may fix and collect fare for transporting each passenger, together with ordinary baggage, if any, not to exceed fifteen cents for each mile and fraction thereof. (*This section added to Railroad Law by chap. 700, Laws 1892.*)

ARTICLE II.

CONSTRUCTION, OPERATION AND MANAGEMENT.

SECTION 30. Liability of corporation to employes of contractor.

81. Weight of rail.
82. Fences, farm-crossings and cattle-guards.
83. Sign-boards and flagmen at crossings.
84. Notice of starting trains; no preferences.
85. Accommodation of connecting roads.
86. Locomotives must stop at grade crossings.
87. Rates of fare.
88. Legislature may alter or reduce fare.

* So in the original.

SECTION 39. Penalty for excessive fare.

40. Passengers refusing to pay fare may be ejected.
41. Extra fare for sleeping car.
42. Persons employed as drivers and conductors.
43. Conductors and employes must wear badges.
44. Checks for baggage.
45. Penalties for injury to baggage.
46. Unclaimed freight and baggage.
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49. Duties imposed.
 1. Switches.
 2. Warning signals.
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 7. Water.
50. Railroad commissioners may approve other safeguards.
51. Use of stoves or furnaces prohibited.
52. Canada thistles to be cut.
53. Riding on platform; walking along track.
54. Corporations may establish ferries.
55. Certain railroads may cease operations in winter.
56. Mails.
57. Corporations must make annual report.
58. When conductors and brakemen may be policemen.
59. Requisites to exercise of powers of future railroad corporations.

§ 30. Liability of corporation to employes of contractor. —

An action may be maintained against any railroad corporation by any laborer for the amount due him from any contractor for the construction of any part of its road, for ninety or any less number of days' labor performed by him in constructing such road, if within twenty days thereafter a written notice shall have been served upon the corporation, and the action shall have been commenced after the expiration of ten days and within six months after the service of such notice, which shall contain a statement of the month and particular days upon which the labor was performed and for which it was unpaid, the price per day, the amount due, the name of the contractor from whom due, and the section upon which performed, and shall be signed by the laborer or his attorney and verified by him to the effect that of his own knowledge the statements contained in it are true. The notice shall be served by delivering the same to an engineer, agent or superintendent having charge of the section of the road, upon which the labor was performed, personally, or by leaving it at his office or

usual place of business with some person of suitable age or discretion; and if the corporation has no such agent, engineer or superintendent, or in case he can not be found and has no place of business open, service may in like manner be made on any officer or director of the corporation.

§ 31. **Weight of rail.**—The rail used in the construction or the relaying of the track of every railroad hereafter built or relaid in whole or in part shall be of iron on steel, weighing not less than twenty-five pounds to the lineal yard on narrow gauge roads, and on all other roads not less than fifty-six pounds to the lineal yard on grades of one hundred and ten feet to the mile or under, and not less than seventy pounds to the lineal yard on grades of over one hundred and ten feet to the mile, except for turnouts, sidings and switches.

§ 32. **Fences, farm-crossings and cattle-guards.**— Every railroad corporation, and any lessee or other person in possession of its road, shall, before the lines of its roads are opened for use, and as soon as it has acquired the right of way for its roadway erect and thereafter maintain fences on the sides of its road of height and strength sufficient to prevent cattle, horses, sheep and hogs from going upon its roads from the adjacent lands with farm crossings and openings with gates therein at such farm crossings whenever and wherever reasonably necessary for the use of the owners and occupants of the adjoining lands, and shall construct where not already done, and hereafter maintain, cattle-guards at all road crossings, suitable and sufficient to prevent cattle, horses, sheep and hogs from going upon its railroad. So long as such fences are not made, or are not in good repair, the corporation, its lessees or other person in possession of its road, shall be liable for all damages done by their agents or engines or cars to any domestic animals thereon. When made and in good repair, they shall not be liable for any such damages, unless negligently or willfully done. A sufficient post and wire fence of requisite height shall be deemed a lawful fence within the provisions of this section, but barbed wire shall not be used in its construction. No railroad need be fenced, when not necessary to prevent horses, cattle, sheep and hogs from going upon its track from the adjoining lands. Every adjoining landowner, who, or whose grantor, has received compensation for fencing the line of land taken for a railroad, and has agreed to build and maintain a lawful fence along such line, shall build and maintain such fence. If such owner, his heir or assign shall not build such fence, or if built, shall

neglect to maintain the same during the period of thirty days after he has been notified so to do by the railroad corporation, such corporation shall thereafter build and maintain such fence, and may recover of the person neglecting to build and maintain it the expense thereof. And when such railroad shall cross timbered or forest lands, the company shall construct and maintain suitable and sufficient crossings, whenever and wherever reasonably necessary to enable the respective owners of said lands, to transport logs, timber and lumber for manufacture or sale, or for banking on any stream, to be floated or driven down the same. In case of any neglect or dispute the supreme court may by mandamus or other appropriate proceedings, compel the same, and also fix the point or location of any such crossing. (*Thus amended by chap. 367, Laws 1891, and by chap. 676, Laws 1892.*)

§ 33. Sign-boards and flagmen at crossings.— Every railroad corporation shall cause boards to be placed, well supported and constantly maintained, across each traveled public road or street, where the same is crossed by its road at grade. They shall be elevated so as not to obstruct travel, and to be easily seen by travelers; and on each side shall be painted in capital letters, each at least nine inches in length and of suitable width, the words: "Railroad crossing; look out for the cars;" but such boards need not be put up in cities and villages, unless required by the officers having charge of the streets. At any point where a railroad crosses a street, highway, turnpike, plank-road, or traveled way at grade, or where a steam railroad crosses a horse railroad at grade, and the corporation owning or operating such railroad, refuses, upon request of the local authorities, to station a flagman or erect gates, to be opened and closed when an engine or train passes, the supreme court or the county court, may, upon the application of the local authorities and upon ten days' notice to the corporation, order that a flagman be stationed at such point, or that gates shall be erected thereat, and that a person be stationed to open and close them when an engine or train passes, or may make such other order respecting the same as it deems proper. Whenever the crossing by a railroad at grade of the streets, highways, turnpikes, plank-roads, or traveled ways of any village or city, having a population by the last state or federal enumeration of less than fifty thousand, shall be protected by gates with persons to open and close the same, when an engine or train passes, the local authorities of the city or village shall not impose any limitation, less than forty miles an hour, on the rate of speed at which such engine

or train shall be run, or enforce any existing limitation upon such rate of speed, less than forty miles an hour. (*Thus amended by chap. 676, Laws 1892.*)

§ 34. **Notice of starting trains; no preferences.**—Every railroad corporation shall start and run its cars for the transportation of passengers and property at regular times, to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all passengers and property which shall be offered for transportation at the place of starting, within a reasonable time previously thereto, and at the junctions of other railroads, and at the usual stopping places established for receiving and discharging way passengers and freight for that train; and shall take, transport and discharge such passengers and property at, from and to, such places on the due payment of the fare or freight legally authorized therefor. No station established by any railroad corporation for the reception or delivery of passengers or property, or both, shall be discontinued without the consent of the board of railroad commissioners first had and obtained. No preference for the transaction of the business of a common carrier upon its cars, or in its depots or buildings, or upon its grounds, shall be granted by any railroad corporation to any one of two or more persons, associations or corporations competing in the same business, or in the business of transporting property for themselves or others. Any such station in an incorporated village shall have the same name as the village; if any road shall have more than one such station in any such village, the station nearest the geographical center thereof shall have such name. (*Thus amended by chap. 676, Laws 1892.*)

§ 35. **Accommodation of connecting roads.**—Every railroad corporation whose road, at or near the same place, connects with or is intersected by two or more railroads competing for its business, shall fairly and impartially afford to each of such connecting or intersecting roads equal terms of accommodation, privileges and facilities in the transportation of cars, passengers, baggage and freight over and upon its roads, and over and upon their roads, and equal facilities in the interchange and use of passenger, baggage, freight and other cars required to accommodate the business of each road, and in furnishing passage tickets to passengers who may desire to make a continuous trip over any part of its roads and either of such connecting roads. The board of railroad commissioners may, upon application of the corporation owning or operating either of the connecting or intersecting

roads, and upon fourteen days' notice to the corporation owning or operating the other road, prescribe such regulations as will secure, in their judgment, the enjoyment of equal privileges, accommodations and facilities to such connecting or intersecting roads as may be required to accommodate the business of each road, and the terms and conditions upon which the same shall be afforded to each road. The decision of the commissioners shall be binding on the parties for two years, and the supreme court shall have power to compel the performance thereof by attachment, mandamus, or otherwise.

§ 36. Locomotives must stop at grade crossings.— All trains and locomotives on railroads crossing each other at grade shall come to a full stop before crossing, not less than two hundred or more than eight hundred feet from the crossing, and shall then cross only when the way is clear and upon a signal from a watchman stationed at the crossing. If the corporations can not agree as to the expense of the watchman, it shall be determined by the supreme court, upon motion thereto by either of them. If the corporations disagree as to the precedence of trains, the board of railroad commissioners may, after hearing, upon the application of either corporation, prescribe rules in relation thereto. The full stop and crossing on signal may be discontinued if the board of railroad commissioners shall decide it to be impracticable, or if, with the approval of the commissioners, an interlocking switch and signal apparatus is adopted and put in operation at such a crossing. The full stop and crossing on signal shall not be required in depot yards, or the approaches thereto, if the crossing roads are under lease or subject to the same management or control in the use of tracks. An engineer, violating the foregoing provisions of this section, or any such rule of the railroad commissioners, shall be liable to a penalty of one hundred dollars; and any corporation or person operating the railroad, violating any of such provisions or rules shall be liable to a penalty of five hundred dollars. No railroad corporation, or any officer, agent or employe thereof, shall stop its cars, horses, or locomotives upon a grade crossing of a railroad of another corporation, for the purpose of receiving or delivering passengers or freight, or other purpose, and any person or corporation violating this provision, shall be liable to a penalty of two hundred and fifty dollars.

See, also, chap. 289, Laws 1893, *post*.

§ 37. Rates of fare.— Every railway corporation may fix and collect the following rates of fare as compensation to be paid for transporting any passenger and his baggage, not exceeding one hundred and fifty pounds in weight, for each mile or fraction of a mile:

1. Where the motive power is rope or cable, propelled by stationary power, five cents, with right to a minimum fare of ten cents; but if the railroad is less than two miles in length, and overcomes an elevation of five hundred feet or more to the mile, five cents for each one hundred feet of elevation so overcome, and the same rates of fare if the motive power is locomotives, furnished with cogs working into cogs on the railway, and the length of road does not exceed four miles.

2. If a road, not incorporated prior to May 15, 1879, and not located in the counties of New York or Kings, or within the limits of any incorporated city, and not more than twenty-five miles in length, five cents; if over twenty-five and not more than forty miles, four cents; and if over forty miles, three cents. Where by the laying down of a third rail upon a railroad of the ordinary gauge, a narrow-gauge track is created and used for the transportation of passengers, and the length of road does not exceed six miles, including any connecting road of the same gauge, such railroad, for the purpose of fare, shall be deemed a narrow-gauge road.

3. If its railroad overcomes an elevation of two hundred feet to the mile, for at least two consecutive miles, and does not exceed twenty miles in length, ten cents; if it overcomes an elevation exceeding three hundred feet to the mile, within a distance of two miles, five cents for each one hundred feet of elevation; and where it overcomes an elevation of more than one thousand feet, within a distance of two miles, seven cents for each one hundred feet of elevation in a mile.

4. If the line of its road does not exceed fifteen miles in length, and does not enter or traverse the limits of any incorporated city, and the distance traveled thereon by the passenger does not exceed one mile, five cents.

5. In all other cases, three cents for every such mile or fraction thereof, with a right to a minimum single fare of not less than five cents.

This chapter shall not be construed to allow any rate of fare for way passengers greater than two cents per mile to be charged or taken over the track or tracks of the railroad known as the New York central railroad company, and the rate of fare for way passengers over the track or tracks of such company shall continue to be two cents per mile and no more, wherever it is restricted to that rate of fare, nor shall any consolidated railroad corporation charge a higher rate of fare per passenger per mile, upon any part or portion of the consolidated line than was allowed by law to be charged by each existing corporation thereon previously to such consolidation. (*Thus amended by chap. 876, Laws 1892.*)

§ 38. Legislature may alter or reduce fare.—The legislature may, when any such railroad shall be opened for use, from time to time, alter or reduce the rate of freight, fare or other profits upon such road; but the same shall not, without the consent of the corporation, be so reduced as to produce with such profits less than ten per centum per annum on the capital actually expended; nor unless on an examination of the amounts received and expended, to be made by the board of railroad commissioners, they shall ascertain that the net income derived by the corporation from all sources, for the year then last past, shall have exceeded an annual income of ten per cent upon the capital of the corporation actually expended.

§ 39. Penalty for excessive fare.—Any railroad corporation, which shall ask or receive more than the lawful rate of fare, unless such overcharge was made through inadvertence or mistake, not amounting to gross negligence, shall forfeit fifty dollars, to be recovered with the excess so received by the party paying the same; but no action can be maintained therefor, unless commenced within one year after the cause of action accrued.

§ 40. Passenger refusing to pay fare may be ejected.—If any passenger shall refuse to pay his fare the conductor of the train, and the servants of the corporation, may put him and his baggage out of the cars, using no unnecessary force, on stopping the train, at any usual stopping place, or near any dwelling-house, as the conductor may elect.

§ 41. Sleeping and parlor cars.—Any railroad corporation may contract with any person, association or corporation for the hauling by the special or regular trains of said railroad corporation, the parlor, drawing-room or sleeping car or cars of such person, association or corporation, in which extra accommodations shall be furnished, for which said person, association or corporation furnishing such parlor, drawing-room or sleeping car or cars, may charge for the carriage and transportation of persons and property therein a reasonable compensation for such extra accommodation, in addition to the fare and charges now allowed by law for the carriage and transportation of passengers and property in the ordinary cars of said railroad corporation. But said railroad corporation so contracting shall be liable in the same way and to the same extent as if the said car or cars were owned by it, and shall furnish sufficient ordinary cars for the reasonable accommodation of the traveling public. (*Thus amended by chap. 676, Laws 1892.*)

§ 42. Persons employed as drivers and conductors.—Any railroad corporation may employ any inhabitant of the state, of the age of twenty-one years, not addicted to the use of intoxicating liquors, as a car driver or conductor, or in any other capacity, if fit and competent therefor.

§ 43. Conductors and employes must wear badges.—Every conductor and employe of a railroad corporation employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office or employment, and the initial letters of the corporation employing him. No conductor or collector without such badge shall demand or receive from any passenger any fare or ticket or exercise any of the powers of his employment. No officer or employe without such badge shall meddle or interfere with any passenger, his baggage or property. (*Thus amended by chap. 676, Laws 1892.*)

§ 44. Checks for baggage.—A check, made of some proper metallic substance of convenient size and form, plainly stamped with numbers, and furnished with a convenient strap or other appendage for attaching to baggage, shall be affixed to every piece or parcel of baggage when taken for transportation for a passenger by the agent or employe of such corporation, if there is a handle, loop or fixture therefor upon the piece or parcel of baggage, and a duplicate thereof given to the passenger or person delivering the same to him. If such check be refused on demand the corporation shall pay to the passenger the sum of ten dollars, and no fare shall be collected or received from him; and if he shall have paid his fare it shall be refunded to him by the conductor in charge of the train. Such baggage shall be delivered, without unnecessary delay, to the passenger or any person acting in his behalf at the place to which it was to be transported, where the cars usually stop, or at any other regular intermediate stopping place, upon notice to the baggage-master in charge of baggage on the train, of not less than thirty minutes, upon presentation of such duplicate check to the officer or agent of the railroad corporation, or of any corporation, over any portion of whose road it was transported. (*Thus amended by chap. 676, Laws 1892.*)

§ 45. Penalties for injuries to baggage.—Any persons, whose duty it is for or on behalf of the common carrier to handle, remove, or care for the baggage of passengers, who shall recklessly or willfully injure or destroy any trunk, valise, box, bag, package or parcel, while loading, unloading, transporting, delivering or storing the

same, or any railroad corporation, which shall knowingly keep in its employment any such willful or reckless person, or which shall permit any injury or destruction of such property, through failure to provide sufficient help and facilities for the handling thereof, shall pay to the party injured thereby the sum of fifty dollars, in addition to such damages.

§ 46. Unclaimed freight and baggage.— Every railroad or other transportation corporation, doing business in this State, which shall have unclaimed freight or baggage, not perishable, in its possession for the period of one year, may sell the same at public auction, after giving notice to that effect, once a week for not less than four weeks in a newspaper published in the county where the freight or baggage remains unclaimed, and in a newspaper published in the county where the sale is to be had, and in a newspaper published in the city of New York, which notice shall contain, as near as practicable, a description of such freight or baggage, the place and time when left, and the name of the owner, if known. A copy of such notice shall be posted in a conspicuous place at each depot or station, where any portion of such freight or baggage remains unclaimed, at least four weeks before such sale, and a copy thereof shall be served on the comptroller of the state, at least two weeks before such sale. If the name and residence of the owner of any such property is known to, or can be ascertained by, the corporation, it shall forthwith serve a copy of such notice upon such owner by mail. Perishable freight or baggage may be sold without notice, as soon as it can be, upon the best terms that can be obtained. All moneys arising from the sale of such freight or baggage, after deducting therefrom charges and expenses for transportation, storage, advertising, commissions for selling the property, and any amount previously paid for its loss or non-delivery, shall be deposited, by the corporation making such sale, with a report thereof, and proofs of advertisement, if any, and if none proofs that the property was perishable, with the comptroller for the benefit of the general fund of the state, and shall be held by him in trust for reclamation by the persons entitled to receive the same. (*Thus amended by chap. 676, Laws 1892.*)

§ 47. Tickets and checks for connecting steamboats.— The proprietors of any line of steamboats, terminating or stopping for passengers at any place where a railroad corporation has a depot or station, may furnish tickets and baggage checks to such corporation for the use of passengers, traveling over its road, who desire to con-

nect with such line of boats at any such place, and the railroad corporation shall sell such tickets and deliver a duplicate of one of such checks to any such passenger applying therefor, and shall account for and pay over to the proprietors of such line of boats all moneys received by it for the sale of such tickets; and any such railroad corporation may furnish tickets and checks for baggage to the proprietors of any such line of steamboats for the use of passengers traveling over any part of such line of boats, who desire to connect with the railroad of any such corporation at any such place, and such proprietors shall sell such tickets and deliver a duplicate of one of such checks to any such passenger applying therefor, and shall account for and pay over to such corporation all moneys received by them for the sale of such tickets. No greater rate of fare shall be charged by any railroad corporation to any such passenger for the distance traveled over its road than is charged to travelers for the same distance whose trip ends at the place where connection is made with any such line of boats, and no greater rate of fare shall be charged by the proprietors of any such steamboat line to any such passenger for the distance traveled over its line, than is charged to travelers for the same distance whose trip ends at the place where connection is made with any such railroad. Any additional cost of transfer of a passenger or his baggage from railroad depot or station to steamboat landing, or from steamboat landing to depot or station, shall be borne by the passenger or the proprietors of the steamboat line or the railroad corporation at whose instance or for whose benefit such transfer is made. Every railroad corporation and the proprietors of any line of steamboats, their agents or servants, who shall neglect or refuse to sell tickets or furnish a check to any passenger applying for the same, when the same shall have been furnished to them, shall pay to such passenger the sum of ten dollars, and no fare or toll shall be collected from him for riding over such road or upon such boats, as the case may be; and in addition thereto any railroad corporation so neglecting or refusing, shall pay the proprietors of such line of boats two hundred and fifty dollars for each day it shall so neglect or refuse; and the proprietors of any such line of boats so neglecting or refusing, shall pay to such railroad corporations a like sum for each day they shall so neglect or refuse.

Every such railroad corporation shall also receive any freight which shall be delivered at any station on the line of its road, marked to go by way of boat or any particular line of boats from any station on its road at which such boat or line of boats terminates or stops for

freight, and shall transport such freight with all convenient speed to such station, and on its arrival there cause the proprietors of the steamboat line by which it is directed to be sent, or their agent, to be notified of such arrival, and shall deliver such freight to such proprietors or their agent with the bill of charges thereon due such railroad corporation, for the payment of which charges the proprietor or proprietors of such steamboat line shall be responsible, and shall account for and pay the same to such railroad corporation on demand. The railroad corporation shall not charge for the transportation of such freight over its road any greater sum pro rata than it charges for carrying the same kind of freight the same distance over its road, if it was to be transported by such corporation by rail to its final destination or to the terminus of the road of such corporation in case it terminates before such final destination is reached. Any freight delivered by the proprietors of any steamboat or steamboat line, or their authorized agent, at any station, at a place where such steamboat or steamboats have a landing, to any such railroad corporation for transportation over its road or any part thereof, shall be transported by such corporation to its place of destination for the same price pro rata which would be charged for the same kind of freight the same distance over its road, if the same had been taken on at the point of first shipment by boat, or at the terminus of the road of such corporation, in case it does not extend to the point of first shipment.

§ 48. Rights and liabilities as common carriers.—Every railroad corporation doing business in this state shall be a common carrier. Any one of two or more corporations owning or operating connecting roads, within this state, or partly within and partly without the state, shall be liable as a common carrier, for the transportation of passengers or delivery of freight received by it to be transported by it to any place on the line of a connecting road; and if it shall become liable to pay any sum by reason of neglect or misconduct of any other corporation it may collect the same of the corporation by reason of whose neglect or misconduct it became liable. (*Thus amended by chap. 676, Laws 1892.*)

§ 49. Switches; warning signals; guard-posts; automatic couplers; automatic or other safety brake; tools in passenger car; water.—It shall be the duty of every railroad corporation operating its road by steam:

1. To lay, in the construction of new and in the renewal of existing switches, upon freight or passenger main line tracks, switches on the

principle of either the so-called Tyler, Wharton, Lorenze, or split-point switch, or some other kind of safety switch, which shall prevent the derailment of a train, when such switch is misplaced or a switch interlocked with distant signals.

2. To erect and thereafter maintain such suitable warning signals at every road, bridge, or structure which crosses the railroad above the tracks, where such warning signals may be necessary, for the protection of employes on top of cars from injury.

3. To place guard-posts in the prolongation of the line of bridge trusses so that in case of derailment, the posts, and not the bridge trusses, shall receive the blow of the derailed locomotive or car.

4. To use upon every new freight car, built or purchased for use, couplers which can be coupled and uncoupled automatically, without the necessity of having a person guide the link, lift the pin by hand, or go between the ends of the cars.

5. To attach to every car used for passenger transportation an automatic air-brake or other form of safety-power brake, applied from the locomotive, excepting cars attached to freight trains, the schedule rate of speed of which does not exceed twenty miles an hour.

6. To provide each closed car, in use in every passenger train owned or regularly used upon a railroad, with one set of tools, consisting of an axe, sledge-hammer, crow-bar, and handsaw, to be properly placed so as to be easily removed.

7. To provide, in each passenger car, where the line of road shall exceed forty continuous miles in length, a suitable receptacle for water, with a cup or drinking utensil attached upon or near such receptacle, and to keep such receptacle, while the car is in use, constantly supplied with cool water.

Every corporation, person or persons, operating such railroad, and violating any of the provisions of this section, except subdivision seven shall be liable to a penalty of one hundred dollars for each offense and the further penalty of ten dollars for each day that it shall omit or neglect to comply with any of such provisions. For every violation of the provisions of the seventh subdivision of this section every such corporation shall be liable to a penalty of twenty-five dollars for each offense.

See, also, chaps. 543 and 544, Laws 1893, *post*.

§ 50. Railroad commissioners may approve other safeguards.—The board of railroad commissioners may, on the application of any railroad corporation, authorize it to use any other safeguard or device approved by the board, in place of any safeguard or device required by this article, which shall thereafter be used in

lieu thereof, and the same penalties for neglect or refusal to use the same shall be incurred and imposed as for a failure to use the safeguard or device hereinbefore required, in lieu of which the same is to be used.

§ 51. Use of stoves or furnaces prohibited.—It shall not be lawful for any railroad corporation, operating a steam railroad in this state, of the length of fifty miles or more, excepting foreign railroad corporations, incorporated without the jurisdiction of the United States, running cars upon tracks in this state for a distance of less than thirty miles, to heat its passenger cars, on other than mixed trains, excepting dining-room cars, by any stove or furnace kept inside the car, or suspended therefrom, unless in case of accident or other emergency, when it may temporarily use such stove or furnace with necessary fuel, and in cars which have been equipped with apparatus to heat by steam, hot water or hot air from the locomotive, or from a special car, the present stove may be retained to be used only when the car is standing still, and no stove or furnace shall be used in any dining-room car, except for cooking purposes, and of a pattern and kind to be approved by the railroad commissioners. Any person or corporation, violating any of the provisions of this section, shall be liable to a penalty of one thousand dollars, and to the further penalty of one hundred dollars for each and every day during which such violation shall continue.

§ 52. Canada thistles to be cut.—Every railroad corporation doing business within this state, shall cause all Canada thistles, white and yellow daisies and other noxious weeds growing on any lands owned or occupied by it, to be cut down twice in each and every year, once between the fifteenth day of June and the twenty-fifth day of June, and once between the fifteenth day of August and the twenty-fifth day of August. If any such corporation shall neglect to cause the same to be so cut down, any person may cut the same, between the twenty-fifth day of June and the fifth day of July inclusive, and between the twenty-fifth day of August and the fifth day of September inclusive in each year, at the expense of the corporation on whose lands the same shall be so cut, at the rate of three dollars per day for the time occupied in cutting.

§ 53. Riding on platform ; walking along track.—No railroad corporation shall be liable for any injury to any passenger while on the platform of a car, or in any baggage, wood or freight car, in violation of the printed regulations of the corporation, posted up at

the time in a conspicuous place inside of the passenger cars, then in the train, if there shall be at the time sufficient room for the proper accommodation of the passenger inside such passenger cars. No person other than those connected with or employed upon the railroad shall walk upon or along its track or tracks, except where the same shall be laid across or along streets or highways, in which case he shall not walk upon the track unless necessary to cross the same. Any person riding, leading or driving any horse or other animal upon any railroad, or within the fences and guards thereof, other than at a farm or street or forest crossing, without the consent of the corporation, shall forfeit to the people of the state the sum of ten dollars, and pay all damages sustained thereby to the party aggrieved. (*Thus amended by chap. 676, Laws 1892.*)

§ 54. **Corporations may establish ferries.**—Any steam railroad corporation, incorporated under the laws of this state, with a terminus in the harbor of New York, may purchase or lease boats propelled by steam or otherwise, and operate the same as a ferry or otherwise, over the waters of the harbor of New York, but this section shall not be construed to affect the rights of the cities of New York and Brooklyn. (*As amended by chap. 676, Laws 1892.*)

§ 55. **Certain railroads may cease operation in winter.**—The directors of any railroad corporation operating a railroad, constructed and used principally for transporting lumber or ores, during the summer months, or for summer travel, may, by a resolution duly passed at a meeting thereof, apply to the board of railroad commissioners for permission to cease the operation of their road during the winter season, for a period not exceeding seven months in any one year, specifying the date of such suspension, and the date of the reopening thereof; and such board may, in their discretion, make an order granting the application wholly or in part, and thereupon such railroad corporation shall be relieved of the duty of operating its road during the period specified in the order. A copy of such order shall be posted in all the depots and at the termini of such railroad, and published in every newspaper in each town in any part of which such road shall be constructed at least four weeks prior to the date of such suspension.

§ 56. **Mails.**—Any railroad corporation shall, when applied to by the postmaster-general, convey the mails of the United States on its road, and in case such corporation and the postmaster-general shall not agree as to the rate of transportation therefor, and as to the

time, rate of speed, manner and condition of carrying the same, the board of railroad commissioners shall fix the prices, terms and conditions therefor, after giving the corporation a reasonable opportunity to be heard. Such price shall not be less for carrying such mails in the regular passenger trains than the amount which such corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the post-office car. If the postmaster-general shall require the mail to be carried at other hours, or at higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the service to be fixed as herein provided.

Every railroad corporation refusing or neglecting to comply with any provision of this section shall forfeit to the people of the state one hundred dollars for every day such neglect or refusal continues. (*Thus amended by chap. 876, Laws 1892.*)

§ 57. Corporations must make annual report.— Every person or corporation owning, leasing, operating or in possession of a railroad, wholly or partly, in this state, shall make an annual report to the board of railroad commissioners of its operations for the year ending with June thirtieth, and of its condition on that day, which shall be verified by the oaths of the president, or treasurer, and the general manager, or acting superintendent, and shall be filed in the office of such board on or before September first in each year. Every such person or corporation shall make a quarterly and further reports to such board in the form and within the time prescribed by it. Such board may in its discretion change the date of the annual report and of filing the same, but the length of time between the date of the annual report and the filing of the same shall not be less than herein prescribed. Any person or railroad corporation which shall neglect to make any such report, or which shall fail to correct any such report within ten days after notice by the board of railroad commissioners, shall be liable to a penalty of two hundred and fifty dollars, and an additional penalty of twenty-five dollars for each day after September first on which it shall neglect to file the same, to be sued for in the name of the people of the state of New York, for their use.

The board of railroad commissioners may extend the time herein limited for cause shown. (*Thus amended by chap. 876, Laws 1892.*)

§ 58. When conductors and brakemen may be policemen.—The governor may appoint any conductor or brakeman on any train conveying passengers on any steam railroad in this state, a policeman, with all the powers of a policeman in cities and villages, for the preservation of order and of the public peace, and the arrest of all persons committing offenses upon the land or property of the corporation owning or operating such railroad; and he may also appoint, on the application of any such corporation or of any steamboat company, such additional policemen, designated by it, as he may deem proper, at any station, who shall have the same powers, but not more than one at any one station. Every such policeman shall, within fifteen days after receiving his commission, and before entering upon the duties of his office, take and subscribe the constitutional oath of office, and file it with his commission in the office of the secretary of state, who shall thereupon transmit to the county clerk of each county in which such policeman is authorized to act a certificate, under his hand and official seal, setting forth the appointment and the filing of the commission and oath, which certificate shall be filed by the county clerk. Every such policeman shall, when on duty, wear a metallic shield with the words "Railway police," or "Steamboat police," as the case may be, and the name of the corporation for which appointed inscribed thereon, which shall always be worn in plain view, except when employed as a detective. The compensation of every such policeman shall be such as may be agreed upon between him and the corporation for which he is appointed and shall be paid by the corporation. When any corporation shall no longer require the services of any such policeman, they may file notice to that effect in the several offices in which notice of his appointment was originally filed, and thereupon such appointment shall cease and be at an end.

§ 59. Requisites to exercise of powers of future railroad corporations.—No railroad corporation hereafter formed under the laws of this state shall exercise the powers conferred by law upon such corporations or begin the construction of its road until the directors shall cause a copy of the articles of association to be published in one or more newspapers in each county in which the road is proposed to be located, at least once a week for three successive weeks, and shall file satisfactory proof thereof with the board of railroad commissioners; nor until the board of railroad commissioners shall certify that the foregoing conditions have been complied with, and also that public convenience and necessity require the construction of said railroad as proposed in said articles of association. The

foregoing certificate shall be applied for within six months after the completion of the three weeks' publication hereinbefore provided for. If a certificate is refused no further proceedings shall be had before said board, but the application may be renewed after one year from the date of such refusal. Prior to granting or refusing said certificate the board shall have a right to permit errors, omissions or defects to be supplied and corrected. After a refusal to grant such certificate the board shall certify a copy of all maps and papers on file in its office and of the findings of the board when so requested by the directors aforesaid. Such directors may thereupon present the same to a general term of the supreme court of the department within which said road is proposed in whole or in part to be constructed, and said general term shall have power, in its discretion, to order said board, for reasons stated, to issue said certificate, and it shall be issued accordingly. Such certificate shall be filed in the office of the secretary of state, and a copy thereof, certified to be a copy by the secretary of state, or his deputy, shall be evidence of the facts therein stated. Nothing in this section shall prevent any such railroad corporation from causing such examinations and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route; and for such purpose by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to the responsibility for all damages which shall be done thereto. This section shall not apply to street railroads. (*This section was added by chap. 676, Laws 1892.*)

ARTICLE III.

CONSOLIDATION, LEASE, SALE AND REORGANIZATION.

SECTION 70. Consolidation of corporations owning continuous lines.

71. Conditions.

1. Joint agreement; amount of capital stock.
2. Agreement to be submitted to meeting of stockholders.

72. New corporation.

73. Creditors' right not to be impaired.

74. Assessment of property of new corporation.

75. Stock of municipal corporation, how represented.

76. Foreclosure of mortgages made by consolidated railroads partly in the state.

77. Powers of corporation of other states.

78. Lease of road.

79. Lessees of railroad may acquire stock therein.

SECTION 80. Consolidation and lease of parallel lines prohibited.

81. Mortgagees may purchase at foreclosure sale.

82. Certificates of stock may be issued after foreclosure in certain cases.

88. Liabilities of reorganized railroad corporations.

§ 70. Consolidation of corporations owning continuous lines.—Any railroad or other corporation, organized under the laws of this state, or of this state and any other state, and owning or operating a railroad, bridge or tunnel, either wholly within or partly within and partly without the state, or whose lines or routes of roads have been located but not constructed, may merge and consolidate its capital stock, franchises and property with the capital stock, franchises and property of any other railroad, tunnel or bridge corporation or corporations, organized under the laws of this state, or of this state and any other state, or under the laws of any other state or states, whenever the two or more railroads, of the companies or corporations so to be consolidated, tunnels, bridges or branches or any part thereof, or the line or routes of their road, if not constructed, shall or may form a continuous or connected line of railroad with each other or by means of any intervening railroad bridge, tunnel or ferry, and any such consolidated corporation may thereupon construct or finish the construction of such continuous line of railroad, if not previously constructed, and operate the same, subject to all provisions of laws applicable to such railroad corporations. Where the road to be operated is in whole or in part a tunnel or subsurface road, authorized by section 16 of this chapter, its consolidation with another road or roads under the provisions of this section shall not prevent any connecting railroad from having equal rights of transit for its passengers and freight through or over the tunnel or bridge of any such road, upon the same equitable terms, or shall such consolidation be made where such tunnel or subsurface road exceeds five miles in length. (*Thus amended by chap. 676, Laws 1892.*)

§ 71. Conditions.—Such consolidation shall be made in the following manner:

1. Joint agreement; amount of capital stock.—The directors of the corporations proposing to consolidate may enter into a joint agreement, under the corporate seal of each corporation, for the consolidation of such corporations, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers

and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each corporation into that of the new corporation, and how and when the directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of such corporations. But in no case shall the capital stock of the corporation formed by such consolidation exceed the sum of the capital stock of the corporations so consolidated, at the par value thereof. Nor shall any bonds or other evidences of debt be issued as a consideration for, or in connection with, such consolidation.

2. Agreement to be submitted to meeting of stockholders. — If stockholders owning two-thirds of all the stock of each of such corporations shall, by a consent in writing, acknowledged as are deeds entitled to be recorded and indorsed upon said lease or agreement, signify their assent thereto, it shall be deemed and taken as the adoption of such agreement by and on behalf of such corporation, and the original or a certified copy thereof shall be filed as hereinafter provided. If such agreement shall not be consented to in writing by holders of two-thirds of the stock of either of such corporations as hereinbefore provided, such agreement shall be submitted to the stockholders of each of such corporations at a meeting thereof called separately for the purpose of taking the same into consideration. Due notice of the time and place of holding such meeting, and the object thereof, shall be given by each corporation to its stockholders by written or printed notices addressed to each of the persons in whose names the capital stock of such corporation stands on the books thereof, and delivered to such persons respectively, or sent to them by mail, when their post-office address is known to the corporation, at least thirty days before the time of holding such meeting, and also by a general notice published at least once a week for four weeks successively in some newspaper printed in the city, town or county where such corporation has its principal office or place of business. At such meeting of stockholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and if the votes of the stockholders owning at least two-thirds of the stock of each corporation present and voting in person or by proxy shall be for the adoption of such agreement, then that fact shall be certified thereon by the secretaries of the respective corporations, under the seal thereof, and the agreement so adopted, or a certified copy thereof shall be filed in the office of the

secretary of state, and in the office of the clerk of the county where the new corporation is to have its principal place of business, and shall from thence be deemed and taken to be the agreement and act of consolidation of such corporations, and thereafter such corporations, parties thereto, shall be one corporation by the name provided in such agreement, but such act of consolidation shall not release such new corporation from any of the restrictions, liabilities or duties of the several corporations so consolidated. (*Thus amended by chap. 676, Laws 1892.*)

§ 72. New corporations to be vested with all property and franchises of the old companies; may issue bonds to take up those of the original companies.— Upon the consummation of such act of consolidation all the rights, privileges, exemptions and franchises of each of the corporations, parties to the same, and all the property, real, personal and mixed, and all the debts due on whatever account to either of them, as well as all stock subscriptions and other things in action belonging to either of them shall be taken and deemed to be transferred to and vested in such new corporation, without further act or deed; and all claims, demands, property, rights of way, and every other interest shall be as effectually the property of the new corporation as they were of the former corporations. parties to such agreement and act; and the title to all real estate, taken by deed or otherwise, under the laws of this state, vested in either of such corporations, parties to such agreement and act, shall not be deemed to revert or be in any way impaired by reason of this act, or anything done by virtue thereof, but shall be vested in the new corporation by virtue of such act of consolidation. And it shall be lawful for any railroad company or corporation, now or hereafter formed by the consolidation of one or more railroad companies or corporations organized under the laws of this state, or under the laws of this state and other states, with one or more railroad companies or corporations organized under the laws of any other state, or of the laws of this state and other states to issue its bonds for the purpose of paying or retiring any bonds theretofore issued by either of said companies or corporations so consolidated, or for any purpose and to the amount authorized by the laws of the state under which either of said companies or corporations so consolidated was organized, and secure the same by a mortgage upon its real or personal property, franchises, rights and privileges, whether within or without this state, and subject to the remedies for the enforcement of the same under the laws of either of said states. Nothing in this act contained shall authorize the execution of any

such mortgage without the consent of the stockholders as now required by the laws of this state, nor compel any bondholder to accept payment in whole or in part of any bond or bonds held by him or to surrender the same before they shall become due. (*Thus amended by chap. 362, Laws 1891.*)

§ 73. **Creditors' rights not to be impaired.**—The rights of all creditors of, and all liens upon the property of, either of such corporations, parties to such agreement and act, shall be preserved unimpaired, and the respective corporations shall be deemed to continue in existence to preserve the same, and all debts and liabilities incurred by either of such corporations shall thenceforth attach to such new corporation, and be enforced against it and its property to the same extent as if incurred or contracted by it. No actions or proceedings in which either of such corporations is a party shall abate or be discontinued by such agreement and act of consolidation, but may be conducted to final judgment in the names of such corporations, or such new corporation may be, by order of the court, on motion substituted as a party.

§ 74. **Assessment of property of new corporation.**—The real estate of such new corporations, situate within this state, shall be assessed and taxed in the several towns and cities where the same shall be situated in a like manner as the real estate of other railroad corporations is or may be taxed and assessed, and such proportion of the capital stock and personal property of such new corporation, shall in like manner be assessed and taxed in this state, as the number of miles of its railroad situate in this state bears to the number of miles of its railroad situate in the other state or states.

§ 75. **Stocks of municipal corporations, how represented.** At any meeting of the stockholders of any railroad corporation to consider any agreement or proposition to consolidate or lease, the commissioners or other officers of any municipal corporation holding or having charge of any of the capital stock of such railroad corporation shall represent such municipal corporation, and may act and vote in person or by proxy on all matters relating to such consolidation or lease in the same manner as individual stockholders. (*Thus amended by chap. 546, Laws 1893.*)

§ 76. **Foreclosure of mortgages made by consolidated railroads partly in the state.**—Whenever a railroad corporation whose line of road lies partly in this state and partly in another state

or states, shall have been created by the consolidation of a railroad corporation of this state with a railroad corporation or corporations of another state or states, and shall have executed a mortgage upon its entire line of railroad, and a sale of the entire line of road under such mortgage shall have been or may hereafter be ordered, adjudged and decreed by a court of competent jurisdiction of the state or states in which the greater part of such line of railroad may be situated, upon the confirmation of such judgment or decree, and of the sale made thereunder, by the supreme court of this state in the judicial district in which some part of such line of road is situated; such sale shall operate to pass title to the purchaser of that part of the line of railroad lying in this state, together with its appurtenances and franchises, with the same force and effect as if the judgment or decree under which such sale is had, had been made by a court of competent jurisdiction of this state. Such judgment or decree and sale may be so confirmed in any action now pending, or that may hereafter be brought in the supreme court, for the foreclosure of such mortgage or in aid of an action for that purpose pending in such other state, if it shall appear that such confirmation is for the interest of the public and of the parties, due and lawful provision being made for and in respect of any liens upon that part of the line or road or other property sold situate in this state, and for such costs, expenses and charges as may appear to be just and lawful. If a receiver of the entire line of such railroad shall have been, or may hereafter be appointed by such court of competent jurisdiction of the state in which the greater part of the line of railroad is situated, such receiver may perform, within this state, the duties of his office, not inconsistent with the laws of this state, and may sue and be sued in the courts of this state.

§ 77. Powers of corporations of other states.—A railroad corporation created under the laws of the state in which the greater part of the line of such railroad may be situated, for the purpose of taking title to and operating the entire line of railroad, so sold as provided in the preceding section, with its franchises and appurtenances, the judgment, decree and sale having been duly confirmed and approved, as therein provided, may hold, possess and operate that part of the line of such railroad lying in this state, and shall have all the rights and franchises theretofore possessed by the corporation executing the mortgage under which such sale was made, and such as now are or may hereafter be conferred upon railroad corporations organized under the laws of this state, and shall be subject

to the duties and liabilities to which such corporation was by the laws of this state subject, and to such further or other duties and liabilities as are now or may hereafter be imposed by law upon railroad corporations of this state, provided that an exemplified copy of the certificate of incorporation under and by virtue of which such corporation is created, and of the judgment or decree under which the entire line of railroad was sold, and a certified copy of the order or judgment or decree of confirmation and approval required by the preceding section, shall be filed in the office of the secretary of state for this state, and in the office of the county clerk of the county where its principal business office in this state is located.

§ 78. **Lease of road.**—Any railroad corporation, or any corporation owning or operating any railroad or railroad route within this state, may contract with any other such corporation for the use of their respective roads or routes, or any part thereof, and thereafter use the same in such manner and for such time as may be prescribed in such contract. Such contract may provide for the exchange or guaranty of the stock and bonds of either of such corporations by the other and shall be executed by the contracting corporations under the corporate seal of each corporation, and if such contract shall be a lease of any such road and for a longer period than one year such contract shall not be binding or valid unless approved by the votes of stockholders owning at least two-thirds of the stock of each corporation which is represented and voted upon in person or by proxy at a meeting called separately for that purpose upon a notice stating the time, place and object of the meeting, served at least thirty days previously upon each stockholder personally, or mailed to him at his post-office address, and also published at least once a week, for four weeks successively, in some newspaper printed in the city, town or county where such corporation has its principal office, and there shall be indorsed upon the contract the certificate of the secretaries of the respective corporations under the seals thereof, to the effect that the same has been approved by such votes of the stockholders, and the contract shall be executed in duplicate and filed in the offices where the certificates of incorporation of the contracting corporations are filed. The road of a corporation can not be used under any such contract in a manner inconsistent with the provisions of law applicable to its use by the corporation owning the same at the time of the execution of the contract. Such contract shall be executed by the corporations, parties thereto, and proved and acknowledged in such manner as to entitle the same to be

recorded in the office of the clerk or register of each county through or into which the road so to be used shall run. Nothing in this section shall apply to any lease in existence prior to May first, eighteen hundred and ninety-one. (*Thus amended by chap. 433, Laws 1893.*)

§ 79. Lessees of railroad may acquire stock therein.—Any railroad corporation created by the laws of this state, or its successors, being the lessee of the road of any other railroad corporation, may take a surrender or transfer of the capital stock of the stockholders, or any of them in the corporation whose road is held under lease, and issue in exchange therefor the like additional amount of its own capital stock at par, or on such other terms and conditions as may be agreed upon between the two corporations; and whenever the greater part of the capital stock of any such corporation shall have been so surrendered or transferred, the directors of the corporation taking such surrender or transfer shall thereafter, on a resolution electing so to do, to be entered on their minutes, become ex-officio the directors of the corporation whose road is so held under lease, and shall manage and conduct the affairs thereof, as provided by law; and whenever the whole of such capital stock shall have been so surrendered or transferred, and a certificate thereof filed in the office of the secretary of state, under the common seal of the corporation to whom such surrender or transfer shall have been made, the estate, property, rights, privileges and franchises of the corporation whose stock shall have been so surrendered or transferred, shall thereupon vest in and be held and enjoyed by the corporation, to whom such surrender or transfer shall have been made, as fully and entirely, and without change or diminution, as the same were before held and enjoyed, and be managed and controlled by the board of directors of the corporation, to whom such surrender or transfer of such stock shall have been made, and in the corporate name of such corporation. Where stock shall have been so surrendered or transferred, the existing liabilities of the corporation, and the rights of the creditors and of any stockholder not surrendering or transferring his stock, shall not be affected thereby.

§ 80. Consolidation and lease of parallel lines prohibited. No railroad corporation or corporations owning or operating railroads whose roads run on parallel or competing lines, except street surface railroad corporations, shall merge or consolidate, or enter into any contract for the use of their respective roads, or lease the same, the

one to the other, unless the board of railroad commissioners of the state or a majority of such board shall consent thereto. (*Thus amended by chap. 676, Laws 1892.*)

§ 81. Mortgagee may purchase at foreclosure sale.— Any mortgagee of the property and franchise of any railroad corporation may become the purchaser of the same at any sale thereof under the mortgage, upon foreclosure by advertisement, or under a judgment, or decree, or otherwise, and hold and use the same, with all the rights and privileges belonging thereto or connected therewith for the period of six months, and convey the same to any railroad corporation.

§ 82. Certificates of stock may be issued after foreclosure in certain cases.— If any person or corporation shall be entitled to certificates of stock subscribed to and paid for in any railroad corporation whose property and franchises have been sold under mortgage foreclosure, and such certificates have not been issued before foreclosure, the officers of the corporation shall, at any time within six months after the foreclosure sale issue and deliver to the person or corporation entitled thereto, upon demand, such certificates of stock, which shall have all the force and effect and confer upon the holder all the rights which he would have had if such certificates of stock had been issued at the time of the payment of the subscription thereto.

§ 83. Liabilities of reorganized railroad corporations.— A railroad corporation, reorganized under the provisions of law, relating to the formation of new or reorganized corporations upon the sale of their property or franchise, shall not be compelled or required to extend its road beyond the portion thereof constructed, at the time the new or reorganized corporation acquired title to such railroad property and franchise, provided the board of railroad commissioners of the state shall certify that in their opinion the public interests under all the circumstances do not require such extension. If such board shall so certify and shall file in their office such certificate, which certificate shall be irreversible by such board, such corporation shall not be deemed to have incurred any obligation so to extend its road and such certificate shall be a bar to any proceedings to compel it to make such extension or to annul its existence for failure so to do, and shall be final and conclusive in all courts and proceedings whatever. This section shall not authorize the abandonment of any portion of a railroad which has been constructed and operated, or apply to Kings county.

ARTICLE IV.

STREET SURFACE RAILROADS.

- SECTION 90.** Street surface railroads; general provision.
91. Consent of property owners and local authorities.
92. Consent of local authorities; how procured.
93. Condition upon which consent shall be given; sale of franchise at public auction.
94. Proceedings if property owners do not consent.
95. Percentage of gross receipts to be paid in cities or villages; report of officers.
96. Extension of route over rivers; terminus in other counties; when property owners withhold consent; supreme court may appoint commissioners.
97. Use of tracks of other roads.
98. Repair of streets; rate of speed; removal of ice and snow.
99. Within what time road to be built.
100. Motive power.
101. Rate of fare.
102. Construction of road in streets where other road is built.
103. Abandonment of part of route.
104. Contracting corporations to carry for one fare; penalty.
105. Effect of dissolution of charter as to consents.
106. Corporate rights saved in case of failure to complete road; right to operate branches; conditions; former consents ratified; limitations.
107. When sand may be used on tracks.
108. Road not to be constructed upon grounds occupied by public buildings or in public parks.
109. Center-bearing rails prohibited.
110. Right to cross bridge substituted for bridge crossed for five years.

§ 90. Street surface railroad; general provision.— The provisions of this article shall apply to every corporation which under the provisions thereof, or of any other law, has constructed or shall construct or operate, or has been or shall be organized to construct or operate, a street surface railroad, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons and property for compensation, upon and along any street, avenue road or highway, in any city, town or village, or in any two or more civil divisions of the state, must comply with the provisions of this article. Any street surface railroad corporation, at any time proposing to extend its road or to construct branches thereof may from time to time make and file in each of the offices in which its certificates of incorporation are filed, a statement of the names and description of the

streets, roads, highways and private property, in or upon which it is proposed to construct, maintain or operate such extensions or branches. Upon filing any such statement and upon complying with the conditions set forth in section ninety-one of the railroad law every such corporation shall have the power and privilege to extend, construct, operate and maintain such road extensions or branches on the streets, roads and highways named in such statement, and also upon any private property which it may acquire for such purpose. (*Thus amended by chap. 434, Laws 1893.*)

§ 91. Consent of property owners and local authorities.— A street surface railroad, or extensions or branches thereof, shall not be built, extended or operated unless the consent in writing, acknowledged or proved as are deeds entitled to be recorded, of the owners of one-half in value of the property bounded on, and also the consent of the local authorities having control of that portion of a street or highway upon which it is proposed to build or operate such railroad shall have been first obtained. Consents of property owners heretofore obtained to the building, extending, operating or change of motive power shall be effectual for the purposes therein mentioned and be deemed to be sufficiently proved and shall be entitled to be recorded, whenever such consents shall have been signed, executed or acknowledged before an officer authorized by law to take acknowledgments of deeds, or before or in the presence of a subscribing witness, and without regard to whether or not the subscribing witness shall have affixed his signature in the presence of the subscriber, provided that the proof of such signing, execution or acknowledgement shall have been made by such subscribing witness in the manner prescribed by chapter three, part two of the revised statutes. In cities the common council, acting subject to the power now possessed by the mayor to veto ordinances; in villages the board of trustees, and in towns the commissioner or commissioners of highways shall be the local authorities referred to; if in any city, the exclusive control of any street, avenue or other property, which is to be used or occupied by any such railroad, is vested in any other authority, the consent of such authority shall also be first obtained. The value of the property above specified shall be ascertained and determined by the assessment roll of the city, village or town in which it is situated, completed last before the local authorities shall have given their consent, except property owned by such city, village or town, or by the state of New York, or the United States of America, the value of which shall be ascertained and determined by making the value thereof to be the same as is shown by such assessment-roll to be the value of the equivalent in size and frontage of the adjacent property on the same street or highway; and the consent of the local authorities shall operate as the consent of such city, village or town as the owners of such property. (*Thus amended by chap. 723, Laws 1894.*)

§ 92. Consent of local authorities; how procured.—The application for the consent of the local authorities shall be in writing and before acting thereon such authorities shall give public notice thereof and of the time and place when it will first be considered, which notice shall be published daily in any city for at least fourteen days in two of its daily newspapers, if there be two, if not, in one, to be designated by the mayor, and in any village or town for at least fourteen days in a newspaper published therein, if any there shall be, and if none, then daily in two daily newspapers if there be two, if not, one published in the city nearest such village or town. Such consent must be upon the expressed condition that the provisions of this article pertinent thereto shall be complied with, and shall be filed in the office of the clerk of the county in which such railroad is located. Whenever the consent of the common council of a city is applied for, the first consideration, of which notice is hereby required, may be by committee of such common council. Any such notice, publication or consideration heretofore or hereafter given, made or had in substantial conformity with the requirements of this section, is and shall be sufficient notice, publication and consideration for all the purposes hereof notwithstanding any conflicting provision of any local or special act or charter. (*Thus amended by chap. 434, Laws 1893.*)

See, also, chap. 679, Laws 1893, *post*.

§ 93. Condition upon which consent shall be given; sale of franchise at public auction.—The consent of the local authorities in cities containing twelve hundred and fifty thousand inhabitants or more, according to the last federal census or state enumeration, must contain the condition that the right, franchise and privilege of using any street, road, highway, avenue, park or public place shall be sold at public auction to the bidder who will agree to give the city the largest percentage per annum of the gross receipts of such corporation, with a bond or undertaking in such form and amount* and with such conditions and sureties as may be required and approved by the comptroller or other chief fiscal office* of the city, for the fulfillment of such agreement and for the commencement and completion of its railroad within the times hereinafter designated according to the plan or plans and on the route or routes fixed for its construction. Whenever such consent shall provide for the sale at public auction of the right to construct and operate a branch or exten-

* So in the original.

sion of an existing railroad, such consent shall provide that but one fare shall be exacted for passage over such branch or extension and over the line of road which shall have applied therefor; and further, that if such right shall be purchased by any corporation other than the applicant, that the gross receipts from joint business shall be divided in the proportion that the length of such extension or branch so sold shall bear to the entire length of the road which shall have applied therefor and of such branch or extension, and that if such right shall be purchased by the applicant, the percentage to be paid shall be calculated on such portion of its gross receipts as shall bear the same proportion to the whole value thereof as the length of such extension or branch shall bear to the entire length of its road. The bidder to whom such right, franchise and privilege may be sold must be a duly incorporated railroad corporation of this state, organized to construct, maintain and operate a street railroad in the city for which such consent may be given; but no such corporation shall be entitled to bid at such sale unless at least five days prior to the day fixed for such sale, or five days prior to the day to which such sale shall have been duly adjourned, the corporation shall have filed with the comptroller or other chief fiscal officer of the city, a bond in writing and under seal, with sufficient sureties, to be approved by such comptroller or officer, conditioned that if such right, franchise and privilege shall be sold to such corporation, to pay to the city where such railroad is situated the sum of fifty thousand dollars as liquidated damages and not by way of penalty in the event of the failure of such bidder to fulfill the terms of sale, comply with the provisions of this article pertinent thereto, and complete and operate its railroad according to the plan or plans and upon the route or routes fixed for its construction within the time hereinafter designated for the construction and completion of its railroad, and also conditioned to pay to the corporation first applying for the consent, if it shall not be the successful bidder, the necessary expenses incurred by such corporation prior to the sale pursuant to the requirements and direction of the local authorities, within twenty days after such sale and upon the certificate of the comptroller or other officer conducting the same as to the sum or amount to be paid. Notice of the time and place and terms of sale, and of the route or routes to be sold, and of the conditions upon which the consent of the local authorities to the construction, operation and extension of such street railroad will be given, must be published by such authorities for at least three successive weeks, and in any

city having two or more daily newspapers, at least three times a week in two of such papers to be designated by the mayor, and in any city where two daily papers are not published, at least once a week in a newspaper published therein to be designated by the mayor. The comptroller or other chief fiscal officer of the city shall attend and conduct such sale and may twice adjourn the same, but not more than four weeks in all, and shall cancel any bid if the bidder shall not have furnished adequate security entitling such bidder to bid, or shall otherwise fail to comply with the terms and conditions of sale, and shall resell the consent and license in the same manner as hereinbefore provided for the first sale. The bidder who may build and operate such railroad shall at all times keep accurate books of account of the business and earnings of such railroad, which books shall at all times be subject to the inspection of the local authorities. In the event of the failure or refusal of the corporation operating or using such railroad to pay the rental or percentages of gross earnings agreed upon, and after notice of not less than sixty days to pay the same, the local authorities interested therein may apply to any court having jurisdiction upon at least twenty days' notice to such corporation, and after it shall have had an opportunity to be heard in its defense, for judgment declaring the consent and right to operate and use such railroad forfeited and authorizing the sale again of the same in the manner hereinbefore prescribed, provided, however, that no such resale of any such consent and right heretofore granted shall be authorized except upon the condition that the same shall be subject to all liens and incumbrances existing on said railroads at the time such forfeiture may have been declared. All consents hereafter given by the local authorities, unless it be otherwise provided in such consent or in some renewal thereof may be forfeited at the expiration of two years thereafter, and every such consent heretofore given to a corporation incorporated under chapter one hundred and forty of the laws of eighteen hundred and fifty, or chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-four, for the purpose of constructing and operating a street surface railroad only, wholly south of the Harlem river, shall be deemed to be in full force and effect and shall continue until June thirtieth, eighteen hundred and ninety-five, when it shall cease, unless prior thereto the required consent of property owners, or the order of the general term in lien thereof, shall have been first obtained; and the provisions of this section shall apply to all applications for such consents made under any ~~statute~~

ute, either before or after the passage of this chapter, and not finally acted upon at the time of its passage. The board of sinking fund commissioners of any city shall have power to compromise or release any existing liability or obligation to the mayor, aldermen and commonalty of such city under the provisions of chapter six hundred and forty-two of the laws of eighteen hundred and eighty-six, or of this chapter whenever, in the opinion of such board, such release or compromise shall be just or equitable, or for the public interest, the reason for any such release or compromise to be stated in the recorded proceedings of such board. Whenever it shall be desired to unite two street surface railroad routes at some point not over one-half mile from such respective lines or routes, and establish by the construction of such connection a new route for public travel, and the corporation or corporations owning or using such railroads shall consent to operate such connection as a part of a continuous route for one fare, and it shall appear to the local authorities that such connection can not be operated as an independent railroad without inconvenience to the public, but that it is to the public advantage that the same should be operated as a continuous line or route with existing railroads, or whenever for the purpose of connecting with any ferry or railroad depot, it shall be desired to construct an extension or branch not more than one-half mile in length, of any street surface railroad corporation, no sale of such franchise shall be made as provided in this section, but any consent of the local authorities for the construction and operation of such connection, extension or branch shall provide that the corporation or corporations operating such connection, extension or branch shall pay into the treasury of said city annually the percentage provided for extensions or branches in section ninety-five of this chapter, for the purposes, at the times, in the manner and upon the conditions set forth in such section. Nothing herein contained shall be construed as applying to or affecting or modifying the terms of a certain contract bearing date January first, eighteen hundred and ninety-two, entered into by and between the city of Buffalo and the various street surface railroad corporations therein named in such contract. The local authorities may, in their discretion, make their consent to depend upon any further conditions respecting other or further security, or deposit, suitable to secure the construction, completion and operation of the railroad within any time not exceeding the period prescribed in this article and respecting the character, quality or motive power of the road to be completed.

and respecting the application of any provision herein contained as to carriage of passengers for single fare and the division of gross receipts and the payment of percentages to the line leased or operated under contract by the applicant for an extension, and also respecting any other matter concerning which, in their judgment, further conditions would be for the public interest. Any and all proceedings heretofore taken in substantial compliance with the provisions of this section, as now amended, are hereby approved, ratified and confirmed. (*Thus amended by chap. 434, Laws 1893.*)

§ 94. Proceedings if property owners do not consent.— If the consent of property owners required by any provision of this article can not be obtained, the corporation failing to obtain such consents may apply to any general term of the supreme court held in the department in which it is proposed to construct its road for the appointment of three commissioners to determine whether such railroad ought to be constructed and operated. Notice of such application must, at least ten days prior thereto, be served, personally upon each non-consenting property owner by delivering the same to the person to whom such property is assessed upon such assessment-roll or by duly mailing the same, properly folded and directed, to such property owner at his post-office address with the postage prepaid thereon. If the person upon whom service is to be made is unknown, or his residence and post-office address are unknown and can not by reasonable diligence be ascertained, service of such notice may be made by publishing the same in such newspaper of the county as the court may direct, at least once a week for two successive weeks. Upon due proof of service of such notice the court to which the application is made shall appoint three disinterested persons, who shall act as commissioners, and who shall, within ten days after their appointment, cause public notice to be given of their first meeting in the manner directed by the court, and may adjourn from time to time, until all their business is completed. Vacancies may be filled by the court after such notice to parties interested as it may deem proper to be given; and the evidence taken before as well as after the happening of the vacancy shall be deemed to be properly before such commissioners. After a public hearing of all parties interested, the commissioners shall determine whether such railroad ought to be constructed and operated, and shall make a report thereon, together with the evidence taken, to the general term, within sixty days after appointment, unless the court, or a judge thereof, for good cause shown, shall extend such time; and

their determination that such road ought to be constructed and operated, confirmed by such court, shall be taken in lieu of the consent of the property owners hereinbefore required. The commissioners shall each receive ten dollars for each day spent in the performance of their duties and their necessary expenses and disbursements, which shall be paid by the corporation applying for their appointment. (*Thus amended by chap. 676, Laws 1892.*)

§ 95. Percentage of gross receipts to be paid in cities or villages ; report of officers.—Every corporation building or operating a railroad, or a branch or extension thereof, under the provisions of this article, or of chapter 252 of the laws of 1884, within any city of this state having a population of 1,200,000 or more, shall, for and during the first five years after the commencement of the operation of any portion of its railroad annually, on November first, pay into the treasury of the city in which its road is located, to the credit of the sinking fund thereof, three per cent of its gross receipts for and during the year ending September thirtieth next preceding; and after the expiration of such five years, make a like annual payment into the treasury of the city to the credit of the same fund, of five per cent of its gross receipts. If a street surface railroad corporation existing and operating any such railroad in any such city on May 6, 1884, shall have thereafter extended its tracks or constructed branches therefrom, and shall operate such branches or extensions under the provisions of chapter 252 of the laws of 1884, or of this article, such corporation shall pay such percentages only upon such portion of its gross receipts as shall bear the same proportion to its whole gross receipts as the length of such extension or branches shall bear to the entire length of its line. In any other incorporated city or village the local authorities shall have the right to require, as a condition to their consent to the construction, operation or extension of a railroad under the provisions of this article, the payment annually of such percentage of gross receipts, not exceeding three per cent, in the treasury of the city or village as they may deem proper. In case of extension the amount to be paid shall be ascertained in the manner heretofore provided. The corporation failing to pay such percentage of its gross earnings, shall after November first, pay in addition thereto five per cent a month on such percentage until paid. The president and treasurer of any corporation required by the provisions of this article to make a payment annually upon its gross receipts shall, on or before November first in each year, make a verified report to the comptroller or chief fiscal officer of the city of the gross

amount of its receipts for the year ending September thirtieth, next preceding, and the books of such corporation shall be open to inspection and examination by such comptroller or officer or his duly appointed agent, for the purpose of ascertaining the correctness of its report as to its gross receipts. The corporate rights, privileges and franchises acquired under this article or such chapter by any corporation, which shall fail to comply with all the provisions of this section, shall be forfeited to the people of the state, and upon judgment of forfeiture rendered in an action brought in the name of the people by the attorney-general, shall cease and determine. (*Thus amended by chap. 676, Laws 1892.*)

§ 96. Extension of route over rivers ; terminus in other counties ; when property owners withhold consent supreme court may appoint commissioners.—Any street railroad except in the counties of New York or Kings, now in operation in this state, which, shall, by a two-thirds vote of its directors, decide to extend the route of its road, so as to cross the Hudson river over and by any bridge now or hereafter constructed under the provisions of any law of this state, may so extend their route over and across such bridge upon such terms as may be mutually agreed upon between it and such bridge company, and may locate the terminus of their road in the county adjoining the one in which their road is now located and in operation. Upon first obtaining the consent of such bridge company or its lessees, and the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having control of that portion of a street or highway upon which it is proposed to construct or operate such railroad, or in case the consent of such property owners can not be obtained the general term of the supreme court in the district in which it is proposed to be constructed may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

§ 97. Use of tracks of other roads.— Any railroad corporation in this state, whose cars are run and operated by horses or other motive power, authorized by this article, upon the surface of the street, excepting in the city and county of New York, may, for the purpose

of enabling it to connect with and run and operate its cars between its tracks and a depot or car-house owned by it, run upon, intersect, and use, for not exceeding five hundred feet, the tracks of any other railroad corporation, the cars of which are run and operated in like manner with the necessary connections and switches for the proper working and accommodation of the cars upon such tracks, and in connection with such depot or car-house, upon paying therefor such compensation as it may agree upon with the corporation owning the tracks to be so run upon, intersected, and used ; and in case such corporations can not agree upon the amount of such compensation, the same shall be ascertained and determined in the manner prescribed in the condemnation law.

§ 98. Repair of streets ; rate of speed ; removal of ice and snow.— Every street surface railroad corporation so long as it shall continue to use any of its tracks in any street, avenue or public place in any city or village, shall have and keep in permanent repair that portion of such street, avenue or public place between its tracks, the rails of its tracks, and two feet in width outside of its tracks, under the supervision of the proper local authorities, and whenever required by them to do so, and in such manner as they may prescribe. In case of the neglect of any corporation to make pavements or repairs after the expiration of thirty days notice to do so, the local authorities may make the same at the expense of such corporation, and such authorities may make such reasonable regulations and ordinances as to the rate of speed, mode of use of tracks, and removal of ice and snow, as the interest or convenience of the public may require. A corporation whose agents or servants willfully or negligently violate such an ordinance or regulation, shall be liable to such city or village for a penalty not exceeding five hundred dollars to be specified in such ordinance or regulation. (*Thus amended by chap. 676, Laws 1892.*)

§ 99. Within what time road to be built.— In case any such corporation shall not commence the construction of its road, or of any extension or branch thereof, within one year after the consent of the local authorities and property owners or the determination of the general term as herein required, shall have been given or renewed, and shall not complete the same within three years after such consents, its rights, privileges and franchises in respect of such railroad extension or branch as the case may be, may be forfeited. If the performance

of any such act, within such time, is prevented by legal proceedings in any court, such court may also extend such time for such period as the court shall deem proper. The time for compliance with this requirement in this or any former act, by a street surface railroad corporation incorporated for the purpose of constructing a street surface railroad only, wholly south of the Harlem river and in cities of over twelve hundred thousand inhabitants and which has heretofore obtained such consents, is hereby extended until June thirtieth, eighteen hundred and ninety-five. (*Thus amended by chap. 434, Laws 1893.*)

§ 100. **Motive power.**— Any street surface railroad may operate any portion of its road by animal or horse power, or by cable, electricity, or any power other than locomotive steam power, which may be approved by the state board of railroad commissioners, and consented to by the owners of one-half of the property bounded on that portion of the railroad with respect to which a change of motive power is proposed; and if the consent of such property owners can not be obtained, the determination of three disinterested commissioners, appointed by the general term of the supreme court of the department in which such railroad is located, in favor of such motive power, confirmed by the court, shall be taken in lieu of the consent of the property owners. The consent of the property owners shall be obtained and the proceedings for the appointment and the determination of the commissioners and the confirmation of their report shall be conducted in the manner prescribed in sections 91 and 94 of this article so far as the same can properly be made applicable thereto.

Any railroad corporation making a change in its motive power under this section, may make any changes in the construction of its road or roadbed or other property rendered necessary by the change in its motive power. (*Thus amended by chap. 876, Laws 1892.*)

§ 101. **Rate of fare.**— No corporation constructing and operating a railroad under the provisions of this article, or of chapter 252 of the laws of 1884, shall charge any passenger more than five cents for one continuous ride from any point on its road, or on any road, line or branch operated by it, or under its control, to any other point thereof, or any connecting branch thereof, within the limits of any incorporated city or village. Not more than one fare shall be charged within the limits of any such city or village, for passage over the main line of road and any branch or extension thereof, if the right to construct such

branch or extension shall have been acquired under the provisions of such chapter or of this article. This section shall not apply to any part of any road constructed prior to May 6, 1884, and then in operation, unless the corporation owning the same shall have acquired the right to extend such road, or to construct branches thereof under such chapter, or shall acquire such right under the provisions of this article, in which event its rate of fare shall not exceed its authorized rate prior to such extension. The legislature expressly reserves the right to regulate and reduce the rate of fare on any railroad constructed and operated wholly or in part under such chapter or under the provisions of this article. (*Thus amended by chap. 676, Laws 1892.*)

§ 102. **Construction of road in street where other road is built.**—No street surface railroad corporation shall construct, extend or operate its road or tracks in that portion of any street, avenue, road or highway, in which a street surface railroad is or shall be lawfully constructed, except for necessary crossings or, in cities, villages and towns of less than one million two hundred and fifty thousand inhabitants over any bridges without first obtaining the consent of the corporation owning and maintaining the same, except that any street surface railroad company may use the tracts of another street surface railroad company for a distance not exceeding one thousand feet, and if in a city having a population of less than thirty-five thousand inhabitants, except Long Island City, for a distance not exceeding fifteen hundred feet, and in cities, villages and towns of less than one million two hundred and fifty thousand inhabitants, shall have the right to lay its tracks upon, and run over and use any bridges used wholly or in part as a foot-bridge, whenever the court upon an application for commissioners shall be satisfied that such use is actually necessary to connect main portions of a line to be constructed or operated as an independent railroad, or to connect said railroad with a ferry, or with another existing railroad, and that the public convenience requires the same, in which event the right to use shall only be given for a compensation to an extent and in a manner to be ascertained and determined by commissioners to be appointed by the courts as is provided in the condemnation law, or by the board of railroad commissioners in cases where the corporations interested shall unite in a request for such board to act. Such commissioners in determining the compensation to be paid for the use by one corporation of the tracks of another shall consider and allow for the use of the tracks for all injury and damage to the corporation whose tracks may be so used. Any street surface railroad corporation may, in pursuance of a unanimous vote of the stockholders voting at a special meeting called for

that purpose by notice in writing, signed by a majority of the directors of such corporation, stating the time, place and object of the meeting, and serving upon each stockholder appearing as such upon the books of the corporation, personally or by mail, at his last known post-office address, at least sixty days prior to such meeting, guarantee the bonds of any other street surface railroad corporation whose road is fully or partly in the same city or town or adjacent cities or towns. (*Thus amended by chap. 693, Laws 1894.*)

§ 103. Abandonment of part of route.— Any street surface railroad corporation which is the lessee or lessor, or both, or which has the right to use the route or portion of the route of another such corporation pursuant to a lease or agreement lawfully entered into with it, may declare any portion of its own route which it may deem no longer necessary for the successful operation of its road and convenience of the public in consequence of such lease or contract, to be relinquished or abandoned. Such declaration of abandonment must be adopted by the board of directors of the corporation under its seal, which shall be submitted to the stockholders thereof at a meeting called and conducted in the same manner as required by law for meetings of stockholders for the approval of leases by railroad corporations for the use of their respective roads. If the stockholders shall, at such meeting, ratify and adopt such declaration of abandonment, the secretary of the company shall so certify under the seal of the corporation, upon such declaration. Such declaration shall then be submitted to the board of railroad commissioners for its approval, and if approved by such board, such approval shall be indorsed thereon or annexed thereto, and the declaration so certified and indorsed shall be filed and recorded in the office of the secretary of state, and from the time of such filing, such portion of the route designated in the declaration shall be deemed to be abandoned. (*Thus amended by chap. 676, Laws 1892.*)

§ 104. Contracting corporations to carry for one fare; penalty.— Every such corporation entering into such contract shall carry or permit any other party thereto to carry between any two points on the railroads or portions thereof embraced in such contract any passenger desiring to make one continuous trip between such points for one single fare, not higher than the fare lawfully chargeable by either of such corporations for an adult passenger. Every such corporation shall upon demand, and without extra charge, give to each passenger paying one single fare a transfer, entitling such passenger to one continuous trip to any point or portion of any railroad embraced in such contract, to the end that the public con-

venience may be promoted by the operation of the railroads embraced in such contract substantially as a single railroad with a single rate of fare. For every refusal to comply with the requirements of this section the corporation so refusing shall forfeit fifty dollars to the aggrieved party. The provisions of this section shall only apply to railroads wholly within the limits of any one incorporated city or village. (*Thus amended by chap. 676 Laws 1892.*)

§ 105. **Effect of dissolution of charter as to consents.**—Whenever any street surface railroad corporation shall have been dissolved or annulled, or its charter repealed by an act of the legislature, the consent of owners of property bounded on, and the consent of the local authorities having the control of that portion of a street or highway upon which the railroad of such corporation shall have been theretofore constructed and operated, and the order of the general term confirming the report of any commissioner that such railroad ought to be constructed or operated, shall not, nor shall either thereof, be deemed to be in any way impaired, revoked, terminated or otherwise affected by such act of dissolution, annulment or repeal, but the same and each thereof shall continue in full force, efficacy and being. The right to the further enjoyment and to the use thereof, subsequent to such act of dissolution, annulment or repeal, and of all the powers, privileges and benefits therein or thereby created, shall be sold at public auction by the local authorities within whose jurisdiction such railroads shall be, in the same manner as is provided in section 93 of this article. When such sale shall have been so made, the purchaser thereat shall have the right to the further enjoyment and use of such consents and orders, and of each thereof, and of all the powers, privileges and benefits therein or thereby created, in like manner as if such purchaser had been originally named in such consents, reports and orders; if such purchaser shall be otherwise authorized by law to construct, maintain and operate a street surface railroad within the municipality within which such railroad shall be. (*Thus amended by chap. 676, Laws 1892.*)

§ 106. **Corporate rights saved in case of failure to complete road; right to operate branches; conditions; former consents ratified; limitations.**—The corporate existence of and powers of every street surface railroad corporation, which has completed a railroad upon the greater portion of the route designated in its certificate of incorporation, within ten years from the date of filing such certificate in the office of the secretary of state, and which has operated such completed portion of its railroad continuously for a period of five years last past, and is now operating the same, shall

continue with like force and effect, as though it had in all respects complied with the provisions of law with reference to the time when it should have fully completed its road. Every such corporation shall have the right to operate any extensions* and branches of its railroad, now constructed and operated by it, which have been so constructed and operated by it, for a period of ten years last past, with like force and effect, as though the route of such extensions* and branches were designated in its certificate of incorporation. But every such street railroad corporation is authorized to operate such railroad and any extension* or branches thereof, upon condition that it has heretofore, or shall hereafter, obtain the consent of the local authorities having the control of that portion of the streets, avenues or highways included in such railroad, or any extension or branches thereof, to the construction and operation of the same, and also upon the condition that it has heretofore or shall hereafter first obtain the consent of the owners of one-half in value of the property bounded on the portion of the streets, avenues or highways included in the route of such railroad, or any extension* or branches thereof, to the construction and operation of the same or in case the consent of such property owners can not be obtained, the general term of the supreme court of the department in which such railroad or any extension or branch thereof is located, may, upon application, appoint three commissioners who shall determine, after a hearing of all the parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners. All consents heretofore given, or grants made by local authorities having the control of the portion of any street, avenue or highway included in the route of such railroad, or any extensions or branches thereof, to any such street surface railroad corporation, are hereby ratified and confirmed and declared valid. This section shall be applicable to any such corporation in any town, city or village having less than twenty thousand inhabitants which has completed any portion of its road upon the route designated in its certificate of incorporation within the time required by law for the completion of its road. This section shall not apply to or affect any railroad corporation in the city of New York; nor any special grant made to or authority conferred upon any street surface railroad corporation by any law of this state; nor any pending litigation; nor shall it impair existing rights privileges or franchises of any street surface railroad corporation. (*Thus amended by chap. 676, Laws 1892.*)

* So in the original.

*** § 107. When sand may be used on tracks.**—The owner or operator of any street surface railroad in cities of this state having a population of five hundred thousand or more, may place upon the space between the rails of such road sand in sufficient quantities and no more to prevent the horses traveling thereon from slipping. (*Thus amended by chap. 676, Laws 1892.*)

*** § 108. Road not to be constructed upon ground occupied by public buildings or in public parks.**—No street surface railroad shall be constructed or extended upon ground occupied by buildings belonging to any town, city, county or to the state, or to the United States, or in public parks, except in tunnels to be approved by the local authorities having control of such parks. (*Thus amended by chap. 676, Laws 1892.*)

§ 109. Center-bearing rails prohibited.—No street surface railroad corporation shall hereafter lay down in the streets of any incorporated city or village of this state what are known as “center-bearing” rails; but in all cases, whether in laying new track or in replacing old rails, shall lay down “grooved” or some other kind of rail not “center-bearing” approved by the local authorities. Such grooved or other rail shall be of such shape and so laid as to permit the paving stones to come in close contact with the projection which serves to guide the flange to the car wheel.

Where in any city, the duty of repairing and repaving streets, as distinguished from the authorization of such paving, repairing and repaving, is by law vested in any local authority other than the common council of such city, such other local authority shall be the local authority referred to in this section. (*Thus amended by chap. 676, Laws 1892.*)

§ 110. Right to cross bridge substituted for bridge crossed for five years.—Should any street surface railroad company have crossed any bridge as a part of its route for a period of more than five years and should any other bridge be substituted therefor at any time, such company shall have the right to cross such substituted bridge and to lay and use railway tracks thereon for the transit of its cars and to make all changes and extensions of its route subject to all the provisions of this act, as the convenient operation of its cars and the public convenience may require. (*This section was added by chap. 676, Laws 1892.*)

* See, also, chap 460, Laws 1892.

ARTICLE V.

OTHER RAILROADS IN CITIES AND COUNTIES.

- SECTION 120.** Application for railway ; commissioners.
 121. Oath and bond of commissioners.
 122. First meeting commissioners.
 123. Determination of necessity of railroad and route.
 124. Adoption of plans and terms upon which road shall be built.
 125. Appraisal of damages and deposit of money as security.
 126. Shall prepare certificate of incorporation ; proviso as to forfeiture.
 127. Organization.
 128. Commissioner to deliver certificate ; affidavit of directors.
 129. Powers.
 130. Crossing of horse railroad track.
 131. Where route coincides with another route.
 132. Commissioners ; to transfer plans etc.
 133. Commissioners to file report ; confirmation thereof.
 134. Pay of commissioners.
 135. Quorum, term of office ; removal vacancies in board of commissioners.
 136. Abandonment or change of route ; new commissioners ; their power and proceedings.
 137. Increased deposit ; when and how required.
 138. Trains to come to full stop, etc.
 139. Gates.
 140. Penalty for violation of this article.
 141. Sections to be printed and posted.
 142. Extension of time.

§ 120. Application for railway ; commissioners. — Upon the application of at least fifty reputable householders and taxpayers of any county or city, verified upon oath before a justice of the supreme court, that there is need in said county or city of a steam railway in the streets, avenues and public places thereof for the transportation of passengers, mails or freight, the board of supervisors of such county may, within thirty days thereafter by resolution, approve of the application, and authorize its presentation to the supreme court, and if the railway is to be built wholly within the limits of a city, upon the application of a like number of householders and taxpayers of the city to the mayor thereof, such mayor may, within thirty days thereafter, indorse upon the application his approval and direction that it may be presented to the supreme court, and if the railway is to be built, partly within the limits of a city and partly without, such application shall be approved, both by the mayor of the city and

the board of supervisors of the county, and its presentation to the supreme court authorized by them, and upon the presentation of such application so approved and authorized to a special term of the supreme court, held in the district where such railway is to be built, or some part thereof, the court may appoint five commissioners, resident of the city if the railway is to be built wholly within the city, and of the county, if it is to be built wholly or partly outside of the limits of a city, to determine the necessity of such railroad, the route thereof, the time within which and the conditions upon which it shall be constructed, the damages to the property owners along the line thereof and all the matters lawfully submitted to them, and discharge the duties imposed upon them by law.

§ 121. Oath and bond of commissioners.— Within ten days after his appointment and before entering upon the discharge of any of the duties of his office, each commissioner shall take and subscribe the constitutional oath of office, which shall be filed in the office of the clerk of the county and shall execute a bond to the people of the state in the penal sum of twenty-five thousand dollars, with two or more sureties, to be approved by a justice of the supreme court of the department in which the railway is to be built and conditioned for the faithful performance of the duties of the office, which bond shall be filed in the office of the clerk of the county.

§ 122. First meeting of commissioners.— Within fifteen days after their appointment, the commissioners shall meet in some convenient place in the county or city and organize themselves as a board with appropriate officers.

§ 123. Determination of necessity of railroad and route.— The commissioners shall, within thirty days after such organization, determine upon the necessity of such steam railroad, and if they find it to be necessary, they shall, within sixty days after such organization fix and determine the route therefor, and shall have the exclusive power to locate such route, over, under, through or across the streets, avenues, places or lands in such county or city, and to provide for the connection or junction with any other railway or bridge, if the consent of the owners of one-half in value of the property bounded on and the consent of the local authorities having control of that portion of a street or highway, upon which it is proposed to construct or operate such railway have been first obtained. If the consent of such property owners can not be obtained, the determination of three commissioners appointed by the general term of the supreme court of the

department where the railroad is to be constructed, made after due hearing of all parties interested, and confirmed by the court, that such railway ought to be constructed and operated, may be taken in lieu of the consent of such property owners. No such railway shall be located in or upon such portion of any street, avenue, place or lands in such county as are now occupied by an elevated or underground railway or in which such railway has already been authorized by law to be so located and constructed, or which are contained in public parks, or occupied by buildings belonging to the county or the state or United States, or in or upon the following streets, avenues and public places, viz.: Broadway, Fifth avenue, Fourth avenue above Forty-second street, in the city of New York; Debevoise place, Irving place, Lefferts place, those portions of Grand, Classon and Franklin avenues and Dowling street lying between the southerly line of Lexington avenue and the northerly line of Atlantic avenue, that portion of Classon avenue lying between the northerly line of Lexington avenue and the southerly line of Park avenue, and that portion of Washington avenue lying between Park and Atlantic avenues in the city of Brooklyn; and that portion of the city of Buffalo lying between Michigan and Main streets, but such railway may be located and constructed across such excepted streets, avenues and places at their intersection only with other streets, avenues and places. (*Thus amended by chap. 676, Laws 1892.*)

§ 124. Adoption of plans, and terms upon which road shall be built.—The commissioners by such public notice, and under such conditions, and with such inducements as they may prescribe, shall invite a submission of plans for the construction and operation of such railway, and shall meet at a time and place in such notice named, not more than ninety days after their organization, and decide upon plans for the construction thereof, with the necessary supports, turnouts, switches, sidings, connections, landing-places, stations, buildings, platforms, stairways, elevators, telegraph and signal devices, or other requisite appliances, upon the route or location determined upon by them. They shall upon notice to the local authorities, and after hearing all parties interested, fix and determine what compensation, if any, in a gross sum, or in a certain percentage of receipts, shall annually be paid to the local authorities by the corporation formed for the purpose of constructing, maintaining and operating such railway for public use in the conveyance of persons and property, for the use and occupation by the corporation of the streets, avenues and highways in and upon which its railway is to be con-

structed, and the time when such railway, or a portion thereof, shall be constructed and ready for operation, and the maximum rates to be paid for transportation and conveyance thereon, and the hours during which special cars or trains shall be run at reduced rates of fare; and the amount of the capital stock of such corporation and the number of shares into which it shall be divided, and the percentage thereof to be paid in cash on subscribing for such shares.

The commissioners may select two or more routes, upon one of which such railway may be constructed and operated; and the local authorities may consent to the construction and operation of such railway upon one or more of such routes, or parts thereof; and the commissioners shall have power to change and readopt routes and plans for the construction and operation of such railway, after they have been submitted to the local authorities, in cases where such authorities may recommend such changes, or may not be willing to consent to the construction or operation of the railway, upon the routes, and plans adopted, unless such changes are made therein. (*Thus amended by chap. 676, Laws 1892.*)

§ 125. Appraisal of damages and deposit of money as security.—The commissioners shall, within one hundred and ten days after their organization, ascertain and determine the aggregate pecuniary damage arising from the diminution in the value of the property bounded on that portion of such street or streets, highway or highways, upon which it is proposed to construct and operate such railway to be caused by the construction and operation thereof. For that purpose they shall view the several parcels of real property so bounded, and shall appraise separately the pecuniary damages arising from such diminution in value of each parcel thereof, and for the purposes of such appraisals they shall give notice of the time and place, when and where they will meet to hear the owners, or persons interested in such real property, which notice shall be published for at least ten days consecutively in at least two newspapers in the county where such railway is to be constructed, and shall take such material testimony upon the probable diminution in value of any or all such parcels to be so caused as may be offered by or in behalf of any person or party interested therein, and the aggregate sum of the amounts so appraised and determined by them shall be the aggregate pecuniary damage required to be ascertained and determined as above provided. No corporation which shall hereafter be organized under this article shall enter upon any street, highway or lane therein, until it shall first have deposited with some trust company, to be desig-

nated by the mayor of the city within which it is proposed to construct the railway or any part thereof, and by the board of supervisors, when the road does not lie wholly within a city, a sum of money equal to the amount so ascertained and determined by the commissioners to be the aggregate pecuniary damage to such property within the city, or within the county outside of any city, or shall have secured the payment of such amount by depositing with such trust company negotiable securities, equivalent at their par and actual value to such aggregate amount, and approved by the mayor of the city in which such road is wholly or in part located, and by the county treasurer of the county if the road is located wholly or in part outside of the limits of such city. The court may accept in lieu of the deposit of money or securities herein required the bond of the corporation, with two or more securities, to be approved by the court, to the effect that the corporation before constructing or operating its railway in front of any premises, shall pay to the owner of the real property all the damages sustained, or which will be sustained by him, as fixed and determined by such commissioners, and the costs allowed, if any. Such bond shall be in a sum double the amount of such damages, and the sureties shall justify in the aggregate to an amount equal to the amount of such bond. Such corporation shall also, at the same time, deposit with such trust company or with the county treasurer, as the commissioners may direct, the sum of five thousand dollars in cash, for the payment of the expense of apportioning and distributing such fund. Unless such moneys or securities shall be deposited by such corporation within one year after it shall have obtained the consent of the local authorities, and of the property owners, or the confirmation by the general term of the supreme court, of the determination of three commissioners in lieu thereof, and in the case of a corporation heretofore organized within one year after it shall have obtained the confirmation by the general term of the supreme court of the report of three commissioners in lieu of the consent of property owners, or within one year after the commissioners appointed to ascertain and determine the aggregate pecuniary damages as provided in this article, shall have made their report, then such corporation shall be deemed not to have accepted the franchises granted. Where the commissioners shall fix and determine different periods of time within which different sections of such railway shall be constructed and ready for operation, they shall ascertain, determine, and report separately the aggregate pecuniary damage to property bounded upon that portion of such street or streets upon which each of such sections is located.

Upon the deposit by the corporation as above provided of moneys or securities equivalent to the aggregate pecuniary damage to be sustained by any one of such sections, or of any bond given in lieu thereof, it shall immediately be vested with the right and privilege to construct its railway through such section. (*Thus amended by chap. 676, Laws 1892.*)

§ 126. **Shall prepare certificate of incorporation ; proviso as to forfeiture.**—The commissioners shall prepare an appropriate certificate of incorporation for the corporation in the last section mentioned in which shall be set forth and embodied, as component parts thereof, the several conditions, requirements and particulars by such commissioners determined pursuant to the provisions of this article, and which shall also provide for the release and forfeiture to the supervisors of the county, or if the road is to be constructed wholly or partly within a city, to such city, of all rights and franchises acquired by such corporation in case such railway or railways shall not be completed within the time and upon the conditions therein provided; and the commissioners shall thereupon and within one hundred and twenty days after their organization, cause a suitable book of subscription to the capital stock of such corporation, to be opened pursuant to due public notice at a banking office in such county or city. A failure by any corporation heretofore or hereafter organized under this article to complete its railway within the time limited in and by its certificate of incorporation shall only work a forfeiture of the franchises of such corporation with respect to that portion of its route which such corporation shall have failed to complete, and shall not affect the rights and franchises of such corporation to construct and operate such part of its railway which it shall have completed within the term prescribed by its certificate of incorporation, or as to which the time for completion shall not have expired, notwithstanding anything to the contrary in its certificate of incorporation.

§ 127. **Organization.**—Whenever the whole capital stock of such corporation or an amount of such capital stock proportioned to the part of such railway directed by the commissioners to be constructed, shall have been subscribed by not less than fifteen persons, and the fixed percentage of such subscriptions shall have been paid, in cash, the commissioners shall, by written or printed notice of ten days, served personally or by mail, call a meeting of such subscribers for organization, and appoint the inspectors of election to serve thereat. At such meeting, or at any subsequent one to which the same may be

adjourned, a majority in number and amount of such subscribers may elect persons, of a number to be theretofore determined by the commissioners not less than nine, who shall be directors for one year of the corporation formed for the purposes of constructing and operating such railway.

§ 128. Commissioners to deliver certificate; affidavit of directors. — Within ten days after the election of such directors the commissioners shall deliver to them a certificate in duplicate, verified by the oath of three commissioners, before a justice of the supreme court, setting forth the certificate of incorporation and the organization of the corporation for the purposes therein mentioned, and within five days after the reception by them of such certificates, three of the directors so elected shall make affidavit in duplicate that the full amount of stock has been subscribed in good faith to construct, maintain and operate the railway or railways in such certificate of incorporation mentioned, and such directors shall file such affidavits and certificate in the office of the secretary of state, and a duplicate of the same in the office of the clerk of the county wherein such railway shall be located; and thereupon the persons who have so subscribed such certificate of incorporation and all persons who shall become stockholders in such corporation shall be a corporation by the name specified in such certificate, and be subject to the duties, liabilities and restrictions of such corporations.

§ 129. Powers. — Every such corporation shall have power, in addition to the powers conferred by the general and stock corporation laws and by subdivisions two, five and seven of section eight of this chapter:

1. To take and convey persons and property on their railroad by the power or force of steam or by any motor other than animal power, and to receive compensation therefor.

2. To enter upon and underneath the several streets, avenues and public places and lands designated by the commissioners, and enter into and upon the soil of the same, to construct, maintain, operate and use in accordance with the plan adopted by the commissioners, a railway upon the route or routes and to the points decided upon and to secure the necessary foundations and erect the columns, piers and other structures which may be required to secure safety and stability in the construction and maintenance of the railways constructed upon such plan and for operating the same; and to make such excavations and openings along the route through which such

railway shall be constructed as shall be necessary from time to time. In all cases the surface of the streets around such foundations, piers and columns shall be restored to the condition in which they were before such excavations were made, as near as may be, and any interference with or change in the water mains, or in the sewers or lamp posts, except such changes as may be made with the concurrence of the proper department or authority shall be avoided; and the use of the streets, avenues, places and lands designated by the commissioners and the right of way through the same for the purpose of a railway, as herein authorized, shall be considered and is hereby declared to be a public use, consistent with the uses for which the roads, streets, avenues and public places are publicly held. No such corporation shall have the right to acquire the use or occupancy of public parks or squares in any such city or county, or the use or occupancy of any of the streets or avenues, except such as may have been designated for the route or routes of such railway, and except such temporary privileges as the proper authorities may grant to such corporations to facilitate such construction, and no such railway shall be constructed across the track of any steam railway now in actual operation at the grade thereof, nor shall any piers or supports for any elevated railway be erected upon a railway track now actually in use in any street or avenue; and no such corporation shall construct a street surface railroad to run in whole or in part upon the surface of any street or highway under the provisions of this article.

§ 130. Crossing of horse railroad track.—Whenever the route selected by the commissioners for the construction of such railway shall intersect, cross or coincide with any horse railway track occupying the surface of the street or avenues, such railway corporation is hereby authorized to remove, for the purpose of constructing its road, the tracks of such horse railway; but the same shall be done in such manner as to interfere as little as possible with their practical operation or working, and upon the construction of such railway, where such removals or changes have been made, the same shall be restored as near as may be to the condition in which they were previous to the construction of such railroad. All such removals and restorations shall be made at the proper cost and charges of such corporation, but no authority is herein given to any such corporation to use the tracks of any horse railway.

§ 131. Where route coincides with another route.—Whenever the route or routes determined upon by the commissioners coin-

cide with the route or routes covered by the charter of an existing corporation, formed for the purpose of constructing and operating such a railway, and it has not forfeited its charter or failed to comply with the provisions thereof, requiring the construction of a road or roads within the time therein prescribed, such corporation shall have the like power to construct and operate such railway upon the fulfillment of the like requirements and conditions imposed by the commissioners as a corporation specially formed under this article, and the commissioners may fix and determine the route or routes by which any elevated steam railway now in actual operation may connect with other steam railways or the depots thereof, or with steam ferries, upon making compensation therefor, and in case such corporations can not agree with the owners of such steam railways, depots or ferries, upon the amount of such compensation, and such owners may be entitled to compensation therefor, the amount of such compensation shall be ascertained and paid in the manner prescribed in the condemnation law, and upon fulfillment by such elevated railway corporation, and so far as it relates to such connection, of the requirements and conditions imposed by this article, it shall possess all the powers conferred by section 129 of this article, and when any connecting route or routes shall be so designated, such elevated railway corporation may construct such connection with all the rights and with like effect as though the same had been part of the original route of such railway. (*Thus amended by chap. 676, Laws 1892.*)

§ 132. **Commissioners to transfer plans, etc.**—Within one month after such corporation shall have been formed and organized in the manner hereinbefore provided, the commissioners shall transfer and deliver to the corporation all plans, specifications, drawings, maps, books and papers in their possession, and they shall, within the like period of one month after the organization of such corporation, cause to be paid to the treasurer thereof all money collected under the provisions of this article, after deducting therefrom the necessary expenses incurred by the commissioners and the amounts due to them for their salaries.

§ 133. **Commissioners to file report; confirmation thereof.**—The commissioners shall within one hundred and forty days after their appointment, make a report to a special term of the supreme court of the department in which such railway may be located, of the amount of the pecuniary damage arising from the diminution of the value of each parcel of property bounded on that portion of the

street or streets, highway or highways, upon which it is proposed to construct such railway or railways, which will be caused by the construction, maintenance and operation thereof. The name and place of residence of the owner or owners of each parcel shall be stated if the same are known, or can be ascertained, and if not known the name of the person or persons appearing by the certificate of the clerk or register of the county, to have the title thereto from the records in his office, and a specific description of each parcel of property with reasonable certainty. The testimony, if any, taken by the commissioners as to the amount of such damage, shall accompany their report. Within thirty days after filing and recording its certificate of incorporation, the corporation authorized to construct and operate such railway or railways shall move to confirm such report by giving notice of such motion to the property owners in the manner in which notice of the time and place of hearing before the commissioners is required by section 125 to be given, and if the corporation fails to so move, any property owner may make the motion; and thereafter the proceedings shall be conducted in the manner prescribed in the condemnation law. Before constructing and operating its railway in front of any real property bounded upon any street, avenue or public place wherein the corporation is authorized by the certificate and report of the commissioners to construct and operate its road, such corporations shall pay to the owner of the real property the damages sustained or which will be sustained by him in consequence thereof, as finally fixed and ascertained, and the costs allowed him, if any, and the court may direct that such damages be paid out of the moneys deposited pursuant to the provisions of section 125, or in case negotiable securities shall have been deposited in lieu of money, that so much of such securities shall be sold as may be necessary to raise the amount required to be paid to such owner for damages and costs if any. If a bond shall have been executed in lieu of such deposit, the court may order the sureties in such bond to pay the damages so fixed and ascertained, and in default thereof, may cause them to be proceeded against and punished as for a contempt of court. (*Thus amended by chap. 876, Laws 1892.*)

§ 134. **Pay of commissioners.**— Each of the commissioners shall be paid for his services at the rate of ten dollars per day for each day of actual service as such commissioner, and all expenses necessarily incurred by him in the discharge of his duties, to be paid by such corporation, but if a sufficient amount of capital stock shall not be subscribed within one year after the appointment of such commissioners to authorize the formation of such corporation, the commissioners

shall receive no salary, and shall cause to be returned to the subscribers for such stock the amounts paid in by them, after deducting therefrom the necessary expenses incurred by the commissioners, but the time, if any, unavoidably consumed by the pendency of legal proceedings shall not be deemed a part of any period of time limited by this article.

§ 135. Quorum; term of office; removal; vacancies in board of commissioners.—A majority of the members of any board of commissioners appointed under this article shall be a quorum for the transaction of any business or the performance of any duty or function, or the exercise of any power, conferred or enjoined upon them. Any commissioner may be removed for cause at any time by the power appointing him, but no commissioner shall be removed without due notice and an opportunity to be heard in defense; and no commissioner thus removed is, or shall be eligible to be again appointed to the office of commissioner. In case of the death, resignation or removal from office of any commissioner the vacancy shall be filled by the power appointing him, within thirty days after such removal, or within thirty days after notice in writing to such appointing power given by some member of the board, or by the corporation hereinafter mentioned, of such death or resignation, and a certificate of every such appointment shall be filed as hereinbefore required. Except as otherwise provided by law, the terms of office of the commissioners shall determine and expire with the performance of their functions as hereinabove prescribed.

§ 136. Abandonment or change of route; new commissioners; their powers and proceedings.—Any corporation heretofore organized or hereafter to be organized under this article, its successors or assigns, which shall have constructed or put in operation a railway upon a part and not upon the whole of the route fixed, determined and located for such railway by a board of commissioners, may at any time apply for authority to abandon any portion of the route upon which the railway shall not have been theretofore constructed or shall not then be in operation, with or without a change and relocation of such portion, and with or without extension of the portion not abandoned, or of any part thereof. Such application shall be made by petition in writing, addressed by such corporation to the board of supervisors of the county in which such portion of the route so desired to be changed or abandoned shall be situated, which is not within the limits of any city, or if such route, or any part thereof,

shall be within the limits of a city, to the mayor of the city, for the route or portion thereof within such city. Five commissioners may be appointed pursuant to such an application as hereinafter provided, who shall be residents of the county or city and who shall have full power as herein provided. When such application is made by a corporation heretofore organized such commissioners may be appointed within thirty days after presentation of the same by such board of supervisors, or, as the case may be, by such mayor. When such application is made by a corporation hereafter to be organized under this article, such board of supervisors, or, as the case may be, such mayor, may within thirty days after presentation of such application, indorse thereon their or his approval and direction that it may be presented to the supreme court in the manner provided in section 120 of this article, and such court may thereupon appoint such commissioners. Within ten days after his appointment each commissioner so appointed shall take, subscribe and file the oath and give and file the bond prescribed by section 121 of this article; and if any one so appointed shall not comply with this requirement, he shall be deemed to have declined to accept such appointment, and to have made a vacancy which the appointing power shall fill by another appointment as herein provided. Within fifteen days after such appointments shall have been so made, the commissioners shall meet at some convenient place in such county and complete their organization as a board with appropriate officers. Such board shall have all the authority conferred by law upon commissioners appointed or authorized to be appointed under this article. Before proceeding to hear the application of the corporation, the board shall give such public notice as it may deem most proper and effective of the time and place of the hearing. Within thirty days after completing their organization such board shall hear the application of the corporation, and all parties who may be interested therein, and within sixty days after their organization they shall determine whether any part of such route should be authorized to be abandoned, or should be changed and relocated with or without extension or extensions. If the board shall determine that no abandonment of any part or the route should be allowed, and that no change and relocation of any part thereof should be effected, and that no extension should be made, the board shall dismiss the application. If the board shall determine that an abandonment of any portion of the route should be allowed, or that any change in or extension thereof should be made, the board shall proceed to authorize and require the same upon such conditions as to the board shall seem proper, and with or without extension of the remainder

of the route or of any part thereof, by fixing, determining and locating the route or routes of the extension or extensions, if any, and by directing the abandonment of the part of the route theretofore located, but by the board allowed to be abandoned, if any, and by fixing, determining and relocating the part of the route theretofore located, but by the board changed, if any; and the board shall cause to be made in duplicate a survey and map of the route as so changed and fixed, determined and located. Neither such corporation nor any assign or successor thereof shall thereafter have any authority, by reason of anything done under this article to operate or construct any railway upon any portion of the route by the board so required to be abandoned. The board shall also fix and determine the time within which the railway by it authorized and required upon any portion of the route so changed, shall be reconstructed and ready for operation. If the railway on any portion of the route not by the board changed or allowed to be abandoned, shall not have been theretofore constructed and made ready for operation, the board may extend, and fix and determine anew the time within which such railway shall be completed, but such extension of time shall not be for a longer period than that originally allowed by law for the completion thereof. If the board shall have determined that any portion of the route theretofore located should be allowed to be abandoned, with or without a change or relocation thereof or any part thereof, and with or without extension, or if the board shall have extended the time within which such railway shall be completed, the board shall make a report in writing in accordance with the determination so made, describing the portion of the route, if any there be, as so fixed, determined and located anew, and the part, if any there be, of the route allowed to be abandoned, and stating the period of time, if any, by the board fixed and determined within which such corporation shall construct and complete the railway theretofore authorized or by it authorized to be constructed, and prescribing that a failure by the corporation, its successors or assigns, to complete it within the time, if any so limited, shall work a forfeiture to the supervisors of the county if no part of the road is within a city, or in any city, to such city, of the rights and franchises of such corporation with respect to that portion of the route so fixed, determined and located anew, and with respect to the then authorized extension or extensions, if any there be of said route, upon which a railway shall not be constructed within the time so limited; but the time, if any, unavoidably consumed by the pendency of legal proceedings, shall not be deemed a part of any period of time limited in this article, and any recital of any

forfeiture of any of the rights or franchises prescribed by any commissioners heretofore appointed, to be the mayor, aldermen and commonalty of the city of New York, shall be as effectual for any and all purposes as if such forfeiture had been in terms recited to be to the board of supervisors of the county of New York. Such report shall be signed in duplicate by at least a majority of the then members of the board, and there shall be thereto annexed the survey and map as hereinabove directed, showing the line and location of each and all the routes, with or without the extension or extensions, as fixed, determined and located, and showing also the parts or part, if any there shall be, of the route or routes as theretofore fixed, determined and located, but by the board allowed to be abandoned. Within ten days after so signing such report the board shall cause the same to be filed in the office of the secretary of state, and the duplicate thereof in the office of the clerk of the county wherein such railway shall be located; and thereupon the corporation making such application, its successors or assigns, is and shall be authorized to construct, maintain and operate a steam railway for the transportation of passengers, mail and freight, upon the route or routes so fixed, determined and located, and in said report described, but the construction or operation of a railway upon any new location or selection of route is not and shall not be thus authorized except upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having control of that portion of a street or highway upon which it is proposed to construct or operate such railway be first obtained, or in case the consent of such property owners cannot be obtained, that the determination of three commissioners, to be upon application appointed by the general term of the supreme court, in the district in which such railroad is proposed to be constructed, be given after a hearing of all parties interested that such railway ought to be constructed or operated, which determination, confirmed by the court, may be taken in lieu of the consent of the property owners. Such corporation is and the successors and assigns thereof shall be authorized to maintain and operate all the railroads and the appurtenances thereof by it or by them theretofore constructed upon any portion of a route or routes which shall have been located by commissioners under this article, and to complete within the time in and by such report so extended fixed, and determined anew, and thereafter to maintain and operate the railway and the appurtenances, upon so much of the route or routes theretofore fixed, determined and located as shall not have been so authorized and required to be abandoned, and with the

same rights and effect, in all respects, as if such extended period of time had been originally fixed and determined, and in the original certificate of incorporation of such corporation recited, for completing such railway and putting it in operation. The other terms and conditions in and by such certificate mentioned and prescribed, except as the same are hereinbefore modified or may be modified by the board as hereinabove authorized, shall apply to the railway herein authorized to be constructed and operated upon the route or routes as so changed, fixed, determined and located, with the same force and effect as if such route or routes, as finally so changed and located, had been in and by such articles or certificates themselves prescribed. If a new location or extension of routes shall be fixed and determined by commissioners who shall have been appointed by the court pursuant to this section, they shall also ascertain and determine the aggregate pecuniary damages arising from the diminution of value of the property bounded on that portion of the street or highway upon the line of such new location or extension and of each parcel of real property so bounded, and their proceedings thereupon shall be conducted in the same manner and upon the like notice as the proceedings for that purpose before the commissioners specified in section 125, and shall make to the supreme court the report required by section 133, and thereupon the same proceedings shall be had as are provided for in such last named section. Each commissioner shall be paid for his services at the rate of ten dollars per day for each day of actual services as such commissioner, and all reasonable expenses incurred by him in or about any of the matters referred to such board, to be paid by the corporation making the application so heard and determined. No corporation shall be authorized under this section to extend, abandon or change the location of its route, or any part thereof, where the greater portion of the route or routes is or shall be in that portion of the city of New York south or west of Harlem river, or of any route or part thereof in the city of Brooklyn, or county of Kings, or to construct, extend, abandon or change the location of any railway or route for a railway over, under, through or across any street, avenues, place or lands south of One Hundred and Twenty-eighth street or west of Third avenue in that portion of the city of New York south or west of Harlem river, or where a railway might not by law be constructed, or was not by law authorized to be by a board of commissioners located on the fifth day of June, 1888. (*Thus amended by chap. 676, Laws 1892.*)

§ 137. Increased deposit, when and how required.—In case any of the securities deposited in lieu of money as provided in section one hundred and twenty-five, shall in the opinion of the county treasurer or trust company with whom they may be deposited, fall below their actual value at the time of deposit, the county treasurer or trust company shall call upon such railway corporation to substitute therefor other securities equivalent at their par or market value to the amount in lieu of which the securities for which they are to be substituted were deposited, and in case such other securities shall not be furnished, the county treasurer or trust company shall call upon such corporation to furnish as a substitute, and it shall so furnish an amount of money equal to the amount in lieu of which the securities first above referred to were deposited.

§ 138. Trains to come to full stop, etc.—All trains upon elevated railroads shall come to a full stop before any passengers shall be permitted to leave such train; and no train on such railroad shall be permitted to start until every passenger desiring to depart therefrom shall have left the train, provided such passenger has manifested his or her intention to so depart by moving toward or upon the platform of any car; nor until every passenger upon the platform or station at which such train has stopped, and desiring to board or enter such cars, shall have actually boarded or entered the same, but no person shall be permitted to enter or board any train after due notice from an authorized employe of such corporation that such train is full and that no more passengers can be then received.

§ 139. Gates.—Every car used for passengers upon elevated railroads shall have gates at the outer edge of its platforms, so constructed that they shall, when opened, be caught and held open by such catch or spring as will prevent their swinging and obstructing passengers in their egress from or ingress to such cars; and every such gate shall be kept closed while the car is in motion; and when the car has stopped and a gate has been opened, the car shall not start until such gate is again firmly closed.

§ 140. Penalty for violation of this article.—Any elevated railroad corporation that shall fail or neglect to comply with or enforce the provisions of this article, shall upon the petition of any citizen to any court of record, and upon due notice to such corporation, and proof of such failure or neglect, pay to the clerk of the court wherein such petition was made, a sum not less than two hundred and fifty

nor more than one thousand dollars, as such court may direct by its order. The sum so ordered to be paid shall be paid by such clerk of the court to the county treasurer, and shall be distributed by such treasurer equally among the public hospitals of the county in which the proceedings is had, at such time, as the board of supervisors or board of aldermen in any such county shall direct. Nothing in this section shall relieve elevated railroad corporations from any liability under which they may now be held by existing laws for damages to persons or property. (*Thus amended by chap. 676, Laws 1892.*)

§ 141. **Sections to be printed and posted.**—The officers and board of directors of such railroad corporations shall cause copies of sections one hundred and thirty-eight, one hundred and thirty-nine and one hundred and forty to be printed conspicuously and posted in the depots or stations and in each car belonging to them.

§ 142. **Extension of time.**—The time within which any act is required to be done under this article may be extended by the supreme court for good cause shown, for one year, and but one extension will be granted. Any company that has heretofore constructed or is now operating an elevated railroad shall be deemed to have been duly incorporated, notwithstanding any failure on the part of commissioners to insert in its articles of association provisions complying with statutory requirements relative to such articles. (*This section was added by chap. 676, Laws 1892.*)

ARTICLE VI.

THE BOARD OF RAILROAD COMMISSIONERS.

SECTION 150. Appointment and term of office of railroad commissioners.

151. Suspension from office.

152. Secretary and marshal of board.

153. Additional officers; their duties.

154. Oath of office; eligibility of officers of board.

155. Principal officer and meetings of board.

156. Quorum of board.

157. General powers and duties of board.

158. Reports of railroad corporations.

159. Investigation of accidents.

160. Recommendations of board where law has been violated.

161. Recommendations of board when repairs or other changes are necessary.

162. Legal effect of recommendation and action of the board.

163. Corporation must furnish necessary information.

SECTION 164. Attendance of witnesses and their fees.

165. Fees to be charged and collected by the board.

166. Annual report of board.

167. Certified copies of papers filed to be evidence.

168. Acts prohibited.

169. Salaries and expenses of members and officers of the board.

170. Total annual expense to be borne by railroads.

171. Application of this article.

§ 150. Appointment and term of office of railroad commissioners.—There shall continue to be a board of railroad commissioners, consisting of three competent persons, one of whom shall be experienced in railroad business, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold office for the term of five years, and until his successor shall have been appointed and shall have qualified. A commissioner shall in like manner be appointed upon the expiration of the term of any commissioner; and when any vacancy shall occur in the office of any commissioner, a commissioner shall in like manner be appointed for the residue of the term. If the senate shall not be in session when the vacancy occurs, the governor shall appoint a commissioner to fill the vacancy, subject to the approval of the senate when convened.

§ 151. Suspension from office.—Any commissioner may be suspended from office by the governor upon written charges preferred. The governor shall report such suspension and the reasons therefor to the senate at the beginning of the next ensuing session, and if a majority of the senate shall approve the action of the governor, such commissioner shall be removed from office and his office become vacant.

§ 152. Secretary and marshal of board.—The board shall have a secretary and a marshal who shall be appointed by it and serve during its pleasure. The secretary shall keep a full and faithful record of the proceedings of the board, and be the custodian of its records, and file and preserve at its general office all books, maps, documents and papers intrusted to his care, and be responsible to the board for the same. Under the direction of the board he shall be its chief executive officer, shall have general charge of its office, superintend its clerical business, conduct its correspondence, be the medium of its decisions, recommendations, orders and requests, prepare for service such papers and notices as may be required of him by the commissioners, and perform such other duties as the board may prescribe, and he

shall have power to administer oaths in all cases pertaining to the duties of his office. He shall have the power to designate from time to time one of the clerks appointed by the board to act as assistant secretary during his absence from the county of Albany, and the clerk so designated for the time designated shall within the county of Albany only, possess the powers conferred by this section upon the secretary of the board. (*Thus amended by chap. 534, Laws 1892.*)

§ 153. **Additional officers; their duties.**—The board may also appoint, to serve during its pleasure, the following officers or any of them: An accountant, who shall be thoroughly skilled in railroad accounting, and who shall, under the direction of the board, make examinations of the books and accounts of railroad and other corporations, and supervise the quarterly and annual reports made by the railroad corporations to the board, and collect and compile railroad statistics, and perform such other duties as the board may prescribe. An inspector, who shall be a civil engineer, skilled in railroad affairs, who shall make such inspections of railroads and other matters relating thereto, as directed by the board, and report to it. Such additional clerical force as may be necessary for the transaction of its business. The board may also employ engineers, accountants and other experts whose services they may deem to be of temporary importance in conducting any investigation authorized by law. (*Thus amended by chap. 534, Laws 1892.*)

§ 154. **Oath of office; eligibility of officers of board.**—Each commissioner, and every person appointed to office by the board, shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. No person shall be appointed to or hold the office of commissioner or be appointed by the board to, or hold any office, place or position under it who holds any official relation to any railroad corporation, or owns stock or bonds therein, or who is in any manner pecuniarily interested in any firm or corporation having business relations with any such corporation.

§ 155. **Principal office and meetings of board.**—The principal office of the board shall be at the city of Albany, in rooms designated by the capitol commissioners, and it may have a branch office at the city of New York, and one at the city of Buffalo; and the board, or a quorum thereof, shall meet at least once a month during the year at the office in Albany. The board shall have an official seal, to be prepared by the secretary of state in accordance with law, and its offices shall be supplied with necessary postage, stationery, office furniture

and appliances, to be paid for as other expenses authorized by this article, and it shall have prepared for it by the state the necessary books, maps and statistics, incidentally necessary for the discharge of its duties.

§ 156. **Quorum of board.**—Two of the commissioners shall constitute a quorum for the transaction of any business, or the performance of any duty of the board and may hold meetings thereof at any time or place within the state. All examinations or investigations made by the board may be held and taken by and before any one of the commissioners or the secretary of the board, by the order of the board, and the proceedings and decisions of such single commissioner or secretary, shall be deemed to be the proceedings and decisions of the board, when approved and confirmed by it. (*Thus amended by chap 534, Laws 1892.*)

§ 157. **General powers and duties of board.**—The board shall have power to administer oaths in all matters relating to its duties, so far as necessary to enable it to discharge such duties, shall have general supervision of all railroads and shall examine the same and keep informed as to their condition, and the manner in which they are operated for the security and accommodation of the public and their compliance with the provisions of their charters and of law. The commissioners or either of them in the performance of their official duties may enter and remain during business hours in the cars, offices and depots, and upon the railroads of any railroad corporation within the state, or doing business therein; and may examine the books and affairs of any such corporation and compel the production of books and papers or copies thereof, and the board may cause to be subpoenaed witnesses, and if a person duly subpoenaed fails to obey such subpoena without reasonable cause, or shall without such cause refuse to be examined, or to answer a legal or pertinent question, or to produce a book or paper, which he is directed by subpoena to bring, or to subscribe his deposition after it has been correctly reduced to writing, the board may take such proceedings as are authorized by the Code of Civil Procedure upon the like failure or refusal of a witness subpoenaed to attend the trial of a civil action before a court of record or a referee appointed by such court. The board shall also take testimony upon, and have a hearing for and against any proposed change of the law relating to any railroad, or of the general railroad law, if requested to do so by the legislature or by the committee on railroads of the senate or the assembly, or by the governor, and may take

such testimony and have such a hearing when requested to do so by any railroad corporation, or incorporated organization representing agricultural or commercial interests in the state, and shall report their conclusions in writing to the legislature, committee, governor, corporation or organization making such request; and shall recommend and draft such bills as will in its judgment protect the people's interest in and upon the railroads of this state.

§ 158. Reports of railroad corporations.—The board shall prescribe the form of the report required by the railroad law to be made by railroad corporations, and may from time to time make such changes and additions in such form, giving to the corporation six months' notice before the expirations of any fiscal year, of any changes or additions which would require any alteration in the method or form of keeping their accounts, and on or before September fifteenth in each year, shall furnish a blank form for such report. When the report of any corporation is defective, or believed to be erroneous, the board shall notify the corporation to amend the same within thirty days. The originals of the reports, subscribed and sworn to as prescribed by law, shall be preserved in the office of the board.

§ 159. Investigation of accidents.—The board shall investigate the cause of any accident on any railroad resulting in loss of life or injury to persons, which in their judgment shall require investigation and include the result thereof in their annual report to the legislature. Before making any such examination or investigation, or any investigation or examination under this article, reasonable notice shall be given to the corporation, person or persons conducting and managing such railroad of the time and place of commencing the same. The general superintendent or manager of every railroad shall inform the board of any such accident immediately after its occurrence. If the examination of the books and affairs of the corporation, or if witnesses in its employ, shall be necessary in the course of any examination or investigation into its affairs, the board, or a commissioner thereof, shall sit for such purpose in the city or town of this state where the principal business office of the corporation is situated if requested so to do by the corporation; but the board may require copies of books and papers, or abstracts thereof, to be sent to them to any part of this state.

§ 160. Recommendations of board, where law has been violated.—If, in the judgment of the board, it shall appear that any railroad corporation has violated any constitutional provision or law,

or neglects in any respect to comply with the terms of the law by which it was created, or unjustly discriminates in its charges for services, or usurps any authority not granted by law, or refuses to comply with the provisions of any law, or with any recommendation of the board, it shall give notice thereof in writing to the corporation, and if the violation, neglect or refusal is continued after such notice, the board may forthwith present the matter to the attorney-general, who shall take such proceedings thereon as may be necessary for the protection of the public interests.

§ 161. Recommendations of board, when repairs or other changes are necessary.—If, in the judgment of the board, after a careful personal examination of the same, it shall appear that repairs are necessary upon any railroad in the state, or that any addition to the rolling stock, or any addition to or change of the station or station-houses, or that additional terminal facilities shall be afforded, or that any change of the rates of fare for transporting freight or passengers or in the mode of operating the road or conducting its business, is reasonable and expedient in order to promote the security, convenience and accommodation of the public, the board shall give notice and information in writing to the corporation of the improvements and changes which they deem to be proper, and shall give such corporation an opportunity for a full hearing thereof, and if the corporation refuses or neglects to make such repairs, improvements and changes, within a reasonable time after such information and hearing, and fails to satisfy the board that no action is required to be taken by it, the board shall fix the time within which the same shall be made, which time it may extend. It shall be the duty of the corporation, person or persons owning or operating the railroad to comply with such decisions and recommendations of the board as are just and reasonable. If it fails to do so the board shall present the facts in the case to the attorney-general for his consideration and action, and shall also report them in its annual or in a special report to the legislature.

§ 162. Legal effect of recommendations and action of the board.—No examination, request or advice of the board, nor any investigation or report made by it, shall have the effect to impair in any manner or degree the legal rights, duties or obligations of any railroad corporation, or its legal liabilities for the consequence of its acts, or of the neglect or mismanagement of any of its agents or employees. The supreme court at special term shall have power in its discretion, in all cases of decisions and recommendations by the board

which are just and reasonable to compel compliance therewith by mandamus, subject to appeal to the general term and the court of appeals, and upon such appeal, the general term and the court of appeals may review and reverse upon the facts as well as the law. (*Thus amended by chap. 676, Laws 1892.*)

§ 163. Corporations must furnish necessary information.—Every railroad corporation shall, on request, furnish the board any necessary information required by them concerning the rates of fare for transporting freight and passengers upon its road and other roads with which its business is connected, and the condition, management and operation of its road, and shall, on request, furnish to the board copies of all contracts and agreements, leases or other engagements entered into by it with any person or corporation. The commissioners shall not give publicity to such information, contracts, agreements, leases or other engagements, if, in their judgment, the public interests do not require it, or the welfare and prosperity of railroad corporations of the state might be thereby injuriously affected.

§ 164. Attendance of witnesses and their fees.—All subpoenas shall be issued by the president of the board, or by any two members thereof, and may be served by any person of full age authorized by the board to serve the same. The fees of witnesses before the board shall be two dollars for each day's attendance, and five cents for every mile of travel by the nearest generally traveled route in going to and returning from the place where the attendance of the witness is required, and the fees shall be audited and paid by the comptroller on the certificate of the secretary of the commission.

§ 165. Fees to be charged and collected by the board.—The board shall charge and collect the following fees: For copies of papers and records not required to be certified, or otherwise authenticated by the board, ten cents for each folio of one hundred words; for certified copies of official documents filed in its office, fifteen cents for each folio, and one dollar for every certificate under seal affixed thereto; for each certified copy of the quarterly report made by a railroad corporation to the board, fifty cents; for each certified copy of the annual report of the board, one dollar and fifty cents; for certified copies of evidence and proceedings before the board, fifteen cents for each folio. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the board.

in the ordinary course of distribution. All fees charged and collected by the board belong to the people of the state, and shall be paid quarterly, accompanied with a detailed statement thereof into the treasury of the state to the credit of the general fund.

§ 166. **Annual report of board.**—The board shall make an annual report on or before the second Monday in January in each year, which shall contain :

1. A record of their meetings and an abstract of their proceedings during the preceding year.

2. The result of any examination or investigation conducted by them.

3. Such statements, facts and explanations as will disclose the actual workings of the system of railroad transportation in its bearing upon the business and prosperity of the state, and such suggestions as to the general railroad policy of the state, of the amendment of its laws, or the condition, affairs or conduct of any railroad corporation, as may seem to them appropriate.

4. Drafts of all bills submitted by them to the legislature and the reasons therefor.

5. Such tables and abstracts of all the reports of all the railroad corporations as they may deem expedient.

6. A statement in detail of the traveling expenses and disbursements of the commissioners, their clerks, marshal and experts.

Five hundred copies of the report with the reports of the railroad corporations of the state, in addition to the regular number prescribed by law, shall be printed as a public document of the state, bound in cloth for the use of the commissioners, and to be distributed by them in their discretion to railroad corporations and other persons interested therein.

§ 167. **Certified copies of papers filed to be evidence.**—Copies of all official documents filed or deposited according to law in the office of the board, certified by a member of the board or the secretary thereof to be true copies of the originals under the official seal of the board, shall be evidence in like manner as the originals.

§ 168. **Acts prohibited.**—No railroad commissioner shall, directly or indirectly, solicit or request from, or recommend to any railroad corporation, or any officer, attorney or agent thereof, the appointment of any person to any place or position, nor shall any railroad corporation, its attorney or agent, offer any place, appointment or position or other consideration to such commissioners, or either of them, nor to

any clerk or employe of the commissioners or of the board; neither shall the commissioners or either of them, nor their secretary, clerks, agents, employes or experts, accept, receive or request any pass from any railroad in this state, for themselves or for any other person, or any present, gift or gratuity of any kind from any railroad corporation; and the request or acceptance by them, or either of them, of any such place or position, pass, presents, gifts or other gratuity shall work a forfeiture of the office of the commissioner or commissioners, secretary, clerk, or clerks, agent or agents, employe or employes, expert or experts, requesting or accepting the same.

§ 169. Salaries and expenses of members and officers of the board.—The annual salary of each commissioner shall be eight thousand dollars; of the secretary, six thousand dollars; of the marshal, fifteen hundred dollars; of the accountant and of the inspector such sum as the board may fix, not exceeding three thousand dollars each; of the clerical force such sums respectively as the board may fix. In the discharge of their official duties, the commissioners, their officers, clerks and all experts and agents whose services are deemed temporarily of importance, shall be transported over the railroads in this state free of charge upon passes signed by the secretary of state and the commissioners shall have reimbursed to them the necessary traveling expenses and disbursements of themselves, their officers, clerks and experts, not exceeding in the aggregate five hundred dollars per month. All salaries and disbursements shall be audited and allowed by the comptroller, and paid monthly by the state treasurer upon the order of the comptroller out of the funds provided therefor. (*Thus amended by chap. 534, Laws 1892.*)

§ 176. Total annual expense to be borne by railroads.—The total annual expense of the board authorized by law, excepting only rent of offices and the cost of printing and binding the annual reports of the board as provided by law, shall not exceed fifty thousand dollars; and shall be borne by the several corporations owning or operating railroads according to their means, to be apportioned by the comptroller who, on or before July first in each year, shall assess upon each of such corporations its proportion of such expenses, one-half in proportion to its net income for the fiscal year next preceding that in which the assessment is made, and one-half in proportion to the length of its main road and branches, except that each corporation whose line of road lies partly within and partly without the State, shall in respect of its net income be assessed on a part

bearing the same proportion to its whole net income that the line of its road within the State bears to the whole length of road, and in respect of its main road and branches shall be assessed only on that part which lies within the State. Such assessment shall be collected in the manner provided by law for the collection of taxes upon corporations. (*Thus amended by chap. 534, Laws 1892.*)

§ 171. **Application of this article.**—The provisions of this article shall apply to all railroads within the State, and the corporations, receivers, trustees, directors or others, owning or operating the same or any of them, and to all sleeping and drawing room car corporations, and to all other associations, partnerships or corporations engaged in transporting passengers or freight upon any such railroad as lessee or otherwise. (*Sections 180 to 183, both inclusive, were repealed by chap. 676, Laws 1892.*)

§ 172. The railroad commissioners may in their discretion act as judges to award prizes which may be offered by any responsible person for improvements in machinery or appliances for operating railroads. (*This section added by chap. 452, Laws 1894.*)

GENERAL ACTS RELATING TO RAILROADS

ENACTED

PRIOR TO MAY 1ST, 1891, AND NOT IN TERMS REPEALED
BY ANY OF THE PRECEDING LAWS, ALSO ACTS
PASSED SINCE 1892.

Article VIII, section 1, of the Constitution of the State of New York.—Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation can not be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time.

CHAP. 508, LAWS OF 1875.

AN ACT to amend section third of title four of chapter eight of part third of the revised statutes.

§ 3. In suits brought by or against a corporation created by or under any statute of this state, it shall not be necessary to prove on the trial of the cause the existence of such corporation, unless the defendant shall have alleged in the answer in the action that the plaintiffs or defendants, as the case may be, are not a corporation, nor unless the allegations in the answer that the defendant is not a corporation be verified under oath in the manner provided by law for the verification of pleadings in actions in courts of record.

CHAP. 311, LAWS OF 1894.

AN ACT to authorize certain corporations to construct additional bridges across rivers forming a part of the boundary of this state.

SECTION 1. If a domestic corporation has heretofore, in pursuance of express authority of a statute of this state, constructed and is now operating a bridge over a river which for its entire length forms a part of the boundary of this state, and if there be in such river a waterfall more than one hundred feet in height, and if the land of such corporation adjoin a state reservation, such corporation is hereby authorized to establish, construct and maintain another bridge over such river, below such waterfall, at or near such present bridge and not more than five hundred feet northerly therefrom, and the necessary approaches, for the passage of pedestrians and vehicles; and such corporation may lay tracks upon such new bridge and its approaches for the passage of electric, cable or horse cars, and may operate street cars upon the same by electric, cable or horse power, or any other than locomotive steam power, for the conveyance of passengers and property for compensation. Such corporation shall have the power to lease the said bridge and its appurtenances or to enter into any contract or agreement with any person or corporation with reference to operating and using the same. Such corporation may acquire real property for such purposes by purchase or by condemnation, but this act shall not confer upon such corporation any power to infringe upon such state reservation. Such corporation shall not charge greater toll for the passage of pedestrians or passengers in cars or vehicles over such new bridge than it is authorized by law to charge for passage thereof over such existing bridge. Such corporation may, from time to time, increase the amount of its capital stock in the manner provided by the stock corporation law, notwithstanding the provisions of any general or special law heretofore passed limiting the amount thereof, but the amount of the capital stock shall not be increased beyond the total amount of three hundred and fifty thousand dollars.

CHAP. 755, LAWS OF 1894.

AN ACT to regulate the use of barbed wire in the construction of division fences.

SECTION 1. Barbed wire shall not be used in the construction of any division fence constructed or build after September first, eighteen hundred and ninety-four, unless the person, association or corporation desiring to use such material shall first obtain the written consent of the owner of the adjoining property that it may be used.

§ 2. Any person, association or corporation who shall construct or build a division fence contrary to the provisions of this act, or who shall maintain such fence after so constructing or building the same, shall forfeit and pay to such adjoining property owner, or other person lawfully occupying such adjoining property, treble damages for all injuries occasioned to him thereby.

CHAP. 225, LAWS OF 1893.

AN ACT to authorize bridge companies to lay tracks and operate a railway upon any bridge connecting any city in the state of New York, of more than one million inhabitants, with any other city in said state.

SECTION 1. Any company incorporated for the purpose of constructing and maintaining a bridge or bridges over any river, bay, arm of the sea or other body of water, connecting any city in the state of New York, containing more than one million inhabitants, with any other city in said state, is hereby empowered to lay tracks and operate a railway upon said bridge or bridges.

CHAP. 238, LAWS OF 1893.

AN ACT in relation to filing amended affidavits to certificates of incorporation of railroad companies.

SECTION 1. Where it does not appear by the affidavit indorsed on or annexed to any certificate of incorporation filed under the railroad law, that the amount of capital stock required by the provisions of said law

to be paid in good faith and in cash to the directors named in such certificate has been so paid, and where such payment has been made prior to the passage of this act, an affidavit of at least three of the directors named in said certificate, stating that the amount of capital stock required by said railroad law to be paid in good faith and in cash to the directors named in the certificate has been so paid, may be filed in the office of the secretary of state, which affidavit shall be annexed to said certificate, and upon such filing, said certificate shall for all purposes have the same force and effect as if said affidavit had been annexed thereto when said certificate was filed.

CHAP. 239, LAWS OF 1893.

AN ACT in relation to the intersections and crossings of the tracks and roadbeds of certain railroads laid in, across or upon the highways, streets, avenues or roads of the cities, towns and villages of the state.

SECTION 1. Whenever the railroad or route of any street surface railroad corporation shall intersect and cross, or shall cross the tracks and roadbed of any railroad, operated by locomotive, steam or other power, which are laid in, across or upon the surface of any street, avenue, road or highway in any city, town or village of the state, having less than five hundred thousand inhabitants, and such street surface railroad corporation having been unable to agree with the corporation owning the tracks and roadbed so intersected or to be intersected and crossed, as to the line or lines, grade or grades, points or manner of such intersection and crossing, or upon the compensation to be made therefor, shall have applied to the court by petition to appoint commissioners to determine the same, the court shall upon application made by such street surface railroad corporation, at, or after, the time of the appointment of such commissioners, or if an answer to the petition of such street surface railroad corporation has been interposed, at any time thereafter, direct that such street surface railroad corporation, be permitted to lay its tracks across and to intersect, upon the surface of the street, avenue, road or highway, the tracks and roadbed of such railroad operated by locomotive, steam, or other power, provided, such street surface railroad corporation shall at the time of obtaining such order make and file with the clerk of said court, its

bond or undertaking in writing, in an amount and with surety or sureties to be approved by the court, conditioned for the full and faithful performance by such street surface railroad corporation of any and all conditions and requirements which may be imposed by said commissioners and be affirmed by the court, in determining the line or lines, grade or grades, points or manner of such intersection and crossing and as to the amount of compensation to be paid therefor, and also conditioned to conform such crossing and intersection made by virtue of such order of the court to the requirements made by said commissioners as affirmed by the court.

§ 2. No street surface railroad shall be allowed to lay its tracks at grade across the tracks or roadbed of any railroad operated by locomotive steam power at any point where there are three or more tracks of the steam road proposed to be crossed, which tracks have been constructed and in operation at least two years, unless the written consent of the state railroad commissioners be first obtained for such crossing at grade. But this section shall not affect the operation of section one of this act in any suit or proceeding now pending nor any renewals of said pending suit or proceeding brought for any cause.

CHAP. 543, LAWS OF 1893.

AN ACT to promote the safety of railway employes by compelling the equipment of freight cars with continuous power or air brakes, and locomotives with driving-wheel brakes.

SECTION 1. That from and after the first day of January, eighteen hundred and ninety-five, it shall be unlawful for any railroad company to use within the state on its line or lines any locomotive engine not equipped with a power driving wheel brake and appliances for operating the train brake system.

§ 2. That from and after the passage of this act, in addition to all freight cars now so equipped there shall be equipped each year with continuous power or air brakes by every company operating a line or lines of railroad within the state, at least ten per centum of all freight cars owned or operated by such companies and used within the state except certain cars known and designated as "coal jimmies," and that on and after the first day of January, eighteen hundred and ninety-eight, the use of said "coal jimmies" in any form shall be unlawful within the state under a penalty of one hundred dollars for each offense, said pen-

alty to be recovered in an action to be brought by the attorney-general in the name of the people and in the judicial district where the principal office of the company within the state is located.

§ 3. That on and after the first day of January, nineteen hundred and three, it shall be unlawful for any railroad or other company to haul or permit to be hauled or used on its line or lines within the state, any freight car not equipped with continuous power or air brakes operated from the engine.

§ 4. That within sixty days from the passage of this act every railroad or other company operating a line of railroad within the state shall file with the board of railroad commissioners at its office in Albany a verified statement of the total number of freight cars owned or operated by it, the number of such cars equipped with such continuous power or air brakes and the number unequipped, and shall thereafter annually and in the month of January, for the ensuing ten years, file with said board a verified report of the number of cars so equipped in each year and the number of cars, if any, remaining unequipped.

§ 5. That on and after January first, nineteen hundred and three, any railroad or other company using or permitting to be used on its line or lines any freight car not equipped with such continuous power or air brake, operating from the locomotive, shall be liable to a penalty of one hundred dollars for each and every violation, to be recovered in any action to be brought by the attorney-general in the name of the people in the judicial district wherein the principal office of the company within the state is located, and it shall be the duty of the board of railroad commissioners of the state to notify the attorney-general of all such violations coming to its notice.

§ 6. That the board of railroad commissioners may, from time to time, after full hearing given and for good cause shown, exempt any company from the provisions of this act, as to the equipment of ten per centum of its cars in any particular year or years, and may extend the time within which any company shall comply with the requirements of this act, not exceeding, however, five years from the first day of January, eighteen hundred and ninety-eight.

§ 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAP. 544, LAWS OF 1893.

AN ACT to promote the safety of railway employes by compelling the equipment of freight cars with automatic couplers.

SECTION 1. That from and after the passage of this act, every new freight car which is to be used in this state shall be equipped with couplers of the master car builders' type, which can be coupled automatically by impact, and which may, except in cases of accident, be uncoupled without the necessity of a person going between the cars.

§ 2. That from and after the passage of this act, in addition to such new freight cars, there shall be equipped each year with such couplers, by every company operating a line or lines of railroad within the state, at least twenty per centum of all freight cars owned or operated by such companies, and used within the state, which are not now so equipped, except certain cars known and designated as "coal jimmies," and that on and after the first day of January, eighteen hundred and ninety-eight, the use of said "coal jimmies," in any form shall be unlawful within the state, under penalty of one hundred dollars for each offense, said penalty to be recovered in an action to be brought by the attorney-general, in the name of the people, and in the judicial district where the principal office of the company within the state is located.

§ 3. That on and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any railroad or other company to haul, or permit to be hauled or used, on its line or lines within the state, any freight car not equipped with couplers of the master car builders' type, and coupling automatically by impact, and which can be uncoupled, except in cases of accident, without the necessity of men going between the ends of the cars.

§ 4. That within sixty days from the passage of this act, every railroad or other company operating a line of railroad within the state, shall file with the board of railroad commissioners, at its office in Albany, a verified statement of the total number of freight cars owned or operated by it, the number of such cars equipped with the automatic couplers, and the number unequipped; and shall thereafter annually, and in the month of January, for the ensuing five years, file with said board a verified report of the number of cars so equipped in each year and the number of cars, if any, remaining unequipped.

§ 5. That on and after January first, eighteen hundred and ninety-eight, any railroad or other company using, or permitting to be used, on its line or lines, any freight car not equipped with couplers as provided for in this act, shall be liable to a penalty of one hundred dollars for each and every violation, to be recovered in an action to be brought by the attorney-general, in the name of the people, and in the judicial district wherein the principal office of the company within the state is located; and it shall be the duty of the board of railroad commissioners of the state to notify the attorney-general of all such violations coming to its notice.

§ 6. That the board of railroad commissioners may, from time to time, after full hearing given and for good cause shown, exempt any company from the provisions of this act, as to the equipment of twenty per cent of its cars in any particular year or years, and may extend the time within which any company shall comply with the requirements of this act, not exceeding, however, five years from the first day of January, eighteen hundred and ninety-eight.

§ 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAP. 679. LAWS OF 1893.

AN ACT for the relief of street surface railroad companies.

SECTION 1. Any street surface railroad corporation which shall have heretofore constructed and is now operating any extension or branch of its railroad along any streets or highways or portion thereof in a city having less than fifty thousand inhabitants, or in any town adjoining such city, and which shall heretofore have obtained consent of the owners of one-half in value of the property bounded on, and the consents also of the local authorities having control of that portion of the streets, roads or highways upon which such extension or branch is constructed and is being operated to the construction and operation of the same, is hereby authorized to operate and maintain any such branch or extension, upon filing in the office of the secretary of state a certificate, signed by its board of directors, which certificate shall contain a statement of the names of the cities, towns, villages and counties, and the names or description of the streets, avenues and highways in which such extensions or branches have been constructed, the places from and to which the same have been constructed and are to be maintained and

operated and the length thereof as near as may be; thereupon said extensions and branches shall be deemed and considered a part of the lines of said railway from the date of the filing thereof, and all corporate action relating to the construction, maintenance and operation of such extensions or branches, or creating liens upon the same by said corporation are hereby validated and confirmed.

§ 2. Nothing in this act contained shall affect or impair any vested right or any pending litigation, nor shall any corporation which shall avail itself of the provisions of this act be deemed thereby to have waived any rights which it theretofore had to maintain and operate any branch or extension named in any certificate filed by it hereunder.

CHAP. 338, LAWS OF 1894.

AN ACT relating to canals, constituting chapter thirteen of the general laws.

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§ 25. Powers with reference to railroad near the canals.-

The superintendent of public works shall have a general supervisory power over so much of any railroad as passes over any canal or feeder belonging to the state or approaches within ten rods thereof, so far as may be necessary to preserve the free and perfect use of such canals or feeders, or for making any repairs, improvements or alterations thereupon. No railroad corporation shall construct its railroad over or at any place within ten rods of any canal or feeder belonging to the state, unless it submits to the superintendent of public works a map, plan and profile of such canal or feeder and of the route designated for its railroad, exhibiting distinctly and accurately the relation of each to the other at all the places within the limits of ten rods thereof, and obtain the written permission of the superintendent of public works and of the canal board for the construction of such railroad, with such conditions, directions and instructions as, in his judgment, the free and perfect use of any such canal or feeder may require.

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CHAP. 133, LAWS OF 1847.

AN ACT authorizing the incorporation of rural cemetery associations.

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§ 10. **No street, road, avenue or thoroughfare to be laid out through a cemetery.** — The cemetery lands and property of any association formed pursuant to this act, and any property held in trust by it for any of the purposes mentioned in section nine of this act, shall be exempt from all public taxes, rates and assessment, and shall not be liable to be sold on execution, or be applied in payment of debts from any individual proprietor. But the proprietors of lots or plots in such cemeteries, their heirs or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purposes of a cemetery, and during that time no street, road, avenue or thoroughfare shall be laid out through such cemetery, or any part of the lands held by such association for the purposes aforesaid, without the consent of the trustees of such association, except by special permission of the Legislature of the State.

CHAP. 300, LAWS OF 1835.

AN ACT to enlarge the powers of commissioners of highways.

SECTION 1. Lawful for commissioners of highways, having supervision thereof to give written consent for construction across road or highway. — Whenever any association or individual shall construct a railroad upon land purchased for that purpose, or a route which shall cross any road or other public highway, it shall be lawful for the commissioners of highways, having the supervision thereof, to give a written consent that such railroad may be constructed across, or on such road or other public highway; and thereafter such association or individual shall be authorized to construct and use such railroad across or on such roads or other highways as the commissioners aforesaid shall have permitted; but any public highway thus intersected or crossed by a railroad shall be so restored to its former state as not to have impaired its usefulness.

CHAP. 62, LAWS OF 1853.

AN ACT to regulate the construction of roads and streets across railroad tracks.

SECTION 1. Laying out streets or highways across railroad tracks. — It shall be lawful for the authorities of any city, village or town in this state, who are by law empowered to lay out

streets and highways, to lay out any street or highway across the track of any railroad now laid or which may hereafter be laid, without compensation to the corporation owning such railroad; but no such street or highway shall be actually opened for use until thirty days after notice of such laying out has been served personally upon the president, vice-president, treasurer or a director of such corporation.

§ 2. Railroad corporations to cause street laid out across their track to be taken at most convenient place for public travel.—It shall be the duty of any railroad corporation, across whose track a street or highway shall be laid out as aforesaid, immediately after the service of said notice, to cause the said street or highway to be taken across their track, as shall be most convenient and useful for public travel, and to cause all necessary embankments, excavations and other work to be done on their road for that purpose; and all the provisions of the act, passed April 2, 1850, in relation to crossing streets and highways, already laid out, by railroads, and in relation to cattle-guards and other securities and facilities for crossing such roads, shall apply to streets and highways hereafter laid out.

§ 3. Penalty for neglect or refusal.—If any railroad corporation shall neglect or refuse, for thirty days after the service of the notice aforesaid, to cause the necessary work to be done and completed, and improvements made on such streets or highways across their road, they shall forfeit and pay the sum of twenty-dollars for every subsequent day's neglect or refusal, to be recovered by the officers laying out such street or highway, to be expended on the same; but the time for doing said work may be extended, not to exceed thirty days, by the county judge of the county in which such street or highway, or any part thereof, may be situated, if, in his opinion, the said work can not be performed within the time limited by this act.

CHAP. 452, LAWS OF 1881.

AN ACT to authorize corporations owning canals to construct and operate railroads along side of or in lieu thereof.

SECTION 1. Corporation owning canal may construct railroad.—It shall be lawful for any corporation of this State owning and operating a canal to construct and operate along or in lieu of such canal a railroad, and the exercise of the authority hereby conferred shall not be deemed to forfeit or impair its corporate rights under its charter or act of incorporation.

§ 2. Corporate powers.—Such company, in the construction and maintenance of any such railroad under the authority of this act, shall have, possess and enjoy all the powers and privileges contained in an act entitled “An act to authorize the formation of railroad corporations and to regulate the same,” passed April 2, 1850, and the several acts amending the same, and be subject to all the duties, liabilities and provisions so far as relates to any powers or privileges by this act upon said company conferred and hereafter exercised.

§ 3. Not authorized to construct railroad in any other locality.—Nothing in this act contained shall authorize the construction of any railroad except upon or along such canal owned and operated by any such company, and not in any other locality.

CHAP. 189, LAWS OF 1891.

-AN ACT to incorporate the Whirlpool Bridge Company.

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§ 7. Power to take and hold real estate; corporation to have same powers as railroad corporations in certain matters.—The said corporation is hereby empowered to purchase, receive and hold such real estate on either side of the Niagara river, as may be necessary and convenient in accomplishing the objects for which this charter is granted, and may, by their surveyor and engineer, enter upon such sites and locations and take possession of the same. All such sites and locations as shall be entered upon, as aforesaid, shall, except donations, be purchased of the owner or owners at a price to be mutually agreed upon; in cases of disagreement as to the prices to be paid for such land, within the boundaries of the State of New York, then the said corporation shall possess all the powers and privileges contained in the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-eighth sections of the act entitled “An act to authorize the formation of railroad corporations and to regulate the same,” passed April second, eighteen hundred and fifty, and as the same have been and stand amended and subject to the duties, liabilities and provisions of the said sections contained.

§ 8. This corporation to possess general powers, etc., prescribed in act authorizing consolidation of certain railroad companies.—The corporation shall possess the general powers and be subject to the restrictions and liabilities prescribed in the act entitled “An act authorizing the consolidation of certain railroad companies,” passed May twentieth, eighteen hundred and sixty-

nine, so far as the same are applicable thereto, for the purpose of consolidating with any corporation chartered for like purposes by the parliament of Canada; and shall further have the power to lease the said bridge, the approaches and connections and appurtenances thereto, to any chartered corporation for such time and on such time and terms as may be agreed upon.

CHAP. 555, LAWS OF 1890..

AN ACT to provide for the improvement and maintenance of the public roads in certain counties as county roads.

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§ 7. Construction of horse, electric or other railways.—

No horse railway or electric or other railway shall be laid, constructed or operated on said county roads, unless, in addition to the requirements of existing laws, the same shall be authorized by a two-third vote of the board of supervisors and unless the same shall be constructed with a flat or grooved rail, and in case of horse railways, paved between the tracks in the manner prescribed by the board of supervisors in the resolution authorizing the same, and the same constantly maintained in good order and condition by said railroad company, and the railroad or corporation constructing the same shall agree thereto, and it shall be the duty of the said board of supervisors to require from said railroad or corporation, or other person, a bond with sufficient sureties as a guarantee, and conditioned for the performance of their agreement, and the board of supervisors may, from time to time, require such bond to be renewed in case the sureties, or any of them, in its judgment, shall become insufficient.

CHAP. 253, LAWS OF 1891.

AN ACT concerning the Niagara Falls Power Company, and to amend chapter eighty-three of the laws of eighteen hundred and eighty-six, as amended by chapter one hundred and nine of the laws of eighteen hundred and eighty-nine.

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§ 10. Right to enter upon lands under streets, highways, railroads, etc.— Said company may enter upon and use the ground or soil under any street, highway, road, railroad land or public ground, except Erie canal land, within said counties for the purposes aforesaid, and may, when necessary, change the location or surface grade of any street, highway or road; and such right shall be continuous for said purposes, including the relaying, repairing, altering or extending its

works; provided, however, that in cases where any open canal or other open work of said company, shall cross any street, highway, road, public ground or railroad land, said company shall construct, and at all times thereafter maintain suitable and proper bridges over its said work where such bridges are rendered necessary by the construction of its said works; and in cases where its pipes or other covered work shall be laid under the surface of any road, street, highway, public ground or railroad land the surface thereof shall be made and kept suitable for public travel, and as nearly as may be as it was before said work was done; and in cases of posts and elevated conductors, cables or wires upon and over such road, street, highway, public ground or railroad land, the same shall be so placed and elevated as not to interfere with the ordinary use thereof by the public or railroad company, or highway or railroad purposes.

CHAP. 267, LAWS OF 1891.

AN ACT to authorize change of gauge on railroads and to provide for an increase of floating and bonded indebtedness.

SECTION 1. Any railroad company incorporated under chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," and acts amendatory thereof and supplementary thereto, may change the gauge of its road on consent of the board of railroad commissioners and approval of the stockholders of said railroad company owning three-fourths in amount of the capital stock, said approval of said stockholders to be made at a special meeting of the stockholders of said company called for that purpose; and upon like consent of said board of railroad commissioners, and upon like approval of the stockholders of said railroad company owning three-fourths in amount of said capital stock of said company, the floating and bonded indebtedness of said railroad company may be increased to an amount necessary to make such change of gauge and to provide for the operating expenses of said railroad, notwithstanding restrictions or limitations contained in the original certificate of incorporation of said railroad company.

CHAP. 294, LAWS OF 1891.

AN ACT in relation to elevated railways in cities.

SECTION 1. When elevated road may abandon part of its route; proceedings in such case.— Any company operating an elevated railway or railways in any city of this state for the transport-

tation of passengers, mails or freight, and which, prior to the passage of this act shall have built and operated six-tenths of its route as set forth and embodied in its articles of incorporation, may declare relinquished* and abandoned any portion of its said route, which it may deem no longer necessary for the successful operation of its road and the convenience of the public. Such declaration of abandonment to be valid, shall be adopted by the board of directors, under the seal of such company, and shall be submitted to the stockholders thereof at a meeting called for the purpose of taking the same into consideration. Due notice of the time and place of holding said meeting, and stating the object thereof shall be given by the company to its stockholders by written or printed notices addressed to each of the persons in whose name the capital stock of the company stands on the books thereof, at the address of such persons as stated on the books, or as known to the secretary of the company, and delivered or mailed to such persons, or the legal representatives of such persons, respectively, at least thirty days before the time of holding the meeting of such company, and also by a general notice published daily for at least four weeks in some newspaper last designated for the publication of the session laws or of judicial proceedings and legal notices in the county where the route of such company is located; and at the said meeting of stockholders the declaration of the said directors shall be considered and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballots shall be cast in person or by proxy, and if two-thirds of all the votes of the stockholders cast in person or by proxy at said meeting shall be for the adoption of said declaration of abandonment, then that fact shall be certified thereon by the secretary of the company under the seal thereof, and the declaration so adopted shall be submitted for approval to the state board of railroad commissioners, and if approved by them, such approval shall be indorsed thereon, and the said declaration so certified and indorsed shall be filed and recorded in the office of the secretary of state, and from the time of such filing such portion of said route designated, in such declaration of such company shall be deemed to be abandoned. A copy of such declaration of abandonment, duly certified by the secretary of state, under his official seal, shall be presumptive evidence in all courts and places of the facts which it recites, and of the regularity of the proceedings resulting in such abandonment.

*So in the original.

CHAP. 604, LAWS OF 1892.

AN ACT for the relief of street surface railroad companies organized under chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-four.

SECTION 1. Any street railroad company now organized under chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-four, which shall have heretofore constructed and is now operating any extension or branch of its railroad along any streets or highways or portion thereof within any county named in its articles of association, in a city not exceeding in population fifty thousand inhabitants, and shall heretofore have obtained the consent of the owners of one-half in value of the property bounded on and the consent also of the local authorities having control of that portion of a street or highway upon which it has constructed or operated such railroad, is hereby authorized to operate and maintain the same respectively in like manner and as fully as if the said streets and highways, or portions thereof, were fully named and described in its articles of association, and upon filing in the office of the secretary of state a certificate signed by its board of directors, which certificate shall contain a statement of the names of cities, towns, villages and counties, and the names and descriptions of the streets, avenues and highways in which such extension or branch has been constructed the places from and to which the same has been constructed and is to be maintained and operated, and the length thereof, as near as may be; thereupon the said extension and branches shall be deemed and considered a part of the lines of railway of such corporation from the date of the filing thereof, with the same force and effect as if the same were fully named and described in its original articles of association, and all corporate action relating to the construction, maintenance and operation of such extensions or creating liens upon the same by the said corporation, are hereby validated and confirmed.

§ 2. Nothing in this act contained shall affect or impair any vested right or any pending litigation.

§ 3. This act shall take effect immediately.

CHAP. 317, LAWS OF 1881.

AN ACT to authorize a change in certain cases, of the time for holding elections in railroad companies.

SECTION 1. Companies may change time for holding elections. — Any railroad company, the time for the annual election of directors in which is now fixed for any day in the month of June,

may, by a vote of a majority of the stock, either in person or by proxy thereof to that effect, and filing in the office of the secretary of state a copy of such proceedings, certified by the secretary of the company under its corporate seal, change the time for holding such annual election to any day in the month of April; provided, however, that the first election held under such resolution shall be held in the month of April which shall precede the time at which such election would otherwise have been held.

CHAP. 258, LAWS OF 1894.

AN ACT to amend the code of civil procedure, relating to proceedings for the voluntary dissolution of corporations.

SECTION 1. Section twenty-four hundred and twenty-seven of the code of civil procedure is hereby amended to read as follows:

§ 2427. **Hearing; original papers may be used.**—The court or the referee is entitled to use, upon the hearing, the original petition, and the schedules annexed thereto; and the clerk must transmit them accordingly, upon the written order of the judge, or of the referee. In that case, they must be returned with the decision or report. The court may, at any stage of the proceedings before final order, on the application of the petitioners, or a majority of them, or on the application of the temporary receiver, grant an order amending the schedules annexed to the original petition, by the insertion of additional items, or by making the statements or inventory fuller and in greater detail than as originally filed, with the like effect as though said petition and schedules had been originally presented and filed as amended.

CHAP. 378, LAWS OF 1883.

AN ACT in relation to receivers of corporations.

SECTION 1. **Application for appointment of receiver, where made.**—Every application hereafter made for the appointment of a receiver of a corporation shall be made at a special term of the court held in and for the judicial district in which the principal business office of the corporation was located at the commencement of the action wherein such receiver is appointed, or in and for a county adjoining such district, and any order appointing a receiver, otherwise made, shall be void.

§ 2. **Compensation.**—Every receiver shall be allowed to receive, as compensation for his services as such receiver, five per centum for the first \$100,000 received and paid out, and two and a half per centum on all sums received and paid out in excess of the said \$100,000. But no receiver shall be allowed or shall receive, from such percentages or otherwise, for his services for any one year, any greater sum or compensation than \$12,000, nor for any period less than one year more than at the rate of \$12,000 per year, provided that where more than one receiver shall be appointed, the compensation shall be divided between such receivers. (*Thus amended by chap. 275, Laws 1886.*)

§ 3. **Order appointing receiver to designate place of deposit.**—All orders appointing receivers of corporations shall designate therein one or more places of deposit, wherein all funds of the corporation not needed for immediate disbursement shall be deposited, and no deposits or investments of such trust funds shall be made elsewhere, except upon the order of the court upon due notice given to the attorney-general.

4. **Duties of receiver.**—It shall be the duty of every receiver of an insurance, banking or railroad corporation, or trust company, to present every six months to the special term of the supreme court,

held in the judicial district wherein the place of trial or venue of the action or special proceeding in which he was appointed may then be, on the first day of its first sitting, after the expiration of said six months, and to file a copy of the same, if a receiver of a bank or trust company, with the bank superintendent; if a receiver of an insurance company, with the superintendent of insurance, and in each case with the attorney-general, an account exhibiting in detail the receipts of his trust, and the expenses paid and incurred therein during the preceding six months; and it shall be unlawful for any receiver of the character specified in this section to pay to any attorney or counsel any costs, fees or allowance until the amounts thereof shall have been stated to the special term in this manner, as expenses incurred, and shall have been approved by that court by an order of the court duly entered; and any such order shall be the subject of review by the general term and the Court of Appeals on an appeal taken therefrom by any party aggrieved thereby. Of the intention to present such account, as aforesaid, the attorney-general shall be given eight days' notice in writing, and the attorney-general shall examine the books and accounts of such receiver at least once every twelve months. (*Thus amended by chap. 40, Laws of 1885.*)

§ 5. Intervenor to pay his own legal expenses; no allowance to be made for costs to attorney.—In case of the intervention of any policyholder or depositor, by permission of the court, such policy-holder or depositor shall defray the legal expenses thereof, and no allowance shall be made for costs or fees to any attorney of such policy-holder or depositor.

§ 6. Receiver to close up affairs within one year.—The affairs of every insolvent corporation now in the hands of any receiver shall be fully closed up by the receiver thereof within one year from the passage of this act, unless the court, upon application by said receiver, and upon due notice to the attorney-general, shall give additional time for that purpose.

§ 7. Attorney-General may apply to have receiver removed; appeal.—The attorney-general may, at any time he deems that the interests of the stockholders, creditors, policy-holders, depositors or other beneficiaries interested in the proper and speedy distribution of the assets of any insolvent corporation will be subserved thereby, make a motion in the supreme court at a special term thereof, in any judicial district, for an order removing the receiver of any insolvent corporation and appointing a receiver thereof in his stead, or to compel him to account, or for such other and additional

order or orders as to him may seem proper to facilitate the closing up of the affairs of such receivership, and any appeal from any order made upon any motion under this section shall be to the general term of said court of the department in which such motion is made.

§ 8. Copies of all papers to be served on attorney-general. — A copy of all motions and all motion papers, and a copy of any other application to the court, together with a copy of the order or judgment to be proposed thereon to the court, in every action or proceeding now pending for the dissolution of a corporation or a distribution of its assets, or which shall hereafter be commenced for such purposes, shall, in all cases, be served on the attorney-general, in the same manner as provided by law for the service of papers on attorneys who have appeared in actions, whether the applications but for this law would be *ex parte* or upon notice, and no order or judgment granted shall vary in any material respect from the relief specified in such copy or order unless the attorney-general shall appear on the return day and have been heard in relation thereto; and any order or judgment granted in any action or proceeding aforesaid, without such service of such papers upon the attorney-general, shall be void, and no receiver of any such corporation shall pay to any person any money directed to be paid by any order or judgment made in any such action or proceeding, until the expiration of eight days after a certified copy of such order or judgment shall have been served as aforesaid upon the attorney-general.

§ 9. Where applications under this act to be made; venue changed. — All applications to the court contemplated by this act shall be made in the judicial district where the principal office of the insolvent corporation was located; and the venue of all actions or proceedings now pending, not in the judicial district where the principal office of the insolvent corporation was located, are hereby changed and transferred to the county and judicial district where such principal office was located.

§ 10. Preference on calendar. — All actions or other legal proceedings and appeals therefrom, or therein brought by or against a receiver of any of the insolvent corporations referred to in this act, shall have a preference upon the calendars of all courts next in order to actions or proceedings brought by the people of the State of New York.

§ 11. Repeal. — All acts or parts of acts inconsistent herewith are hereby repealed.

CHAP. 285, LAWS OF 1884.

AN ACT to provide for the transfer of securities and property of bankrupt corporations to the receivers of such corporations, and for the transfer by the superintendent of the insurance department to receivers of insolvent life insurance and annuity companies of funds and securities deposited with such superintendent by such company for the security of policy holders.

SECTION 1. Where receivers have or shall be appointed for any corporation other than insurance companies on application by attorney-general, property to vest in receiver; proviso.—In all cases where receivers have been or shall be appointed for any corporation of this state other than an insurance company, on application by the attorney-general, all property, real and personal, and all securities of every kind and nature belonging to such corporation, no matter where located or by whom held, shall be transferred to, vested in, and held by such receiver, provided, however, that such transfer shall only be made when directed by an order of the supreme court, due notice of the application for such order having been made on the attorney-general, and the custodian of the funds, securities or property.

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CHAP. 376, LAWS OF 1885.

AN ACT to provide for the payment of wages to employes, operatives and laborers of domestic corporations, other than insurance and moneyed corporations, of which a receiver shall be appointed.

SECTION 1. Wages of employes to be preferred.—Where a receiver of a corporation created or organized under the laws of this state and doing business therein, other than insurance and moneyed corporations, shall be appointed, the wages of the employes, operatives and laborers thereof shall be preferred to every other debt or claim against any such corporation, and shall be paid by the receiver from the moneys of such corporation which shall first come to his hands.

CHAP. 310, LAWS OF 1886.

AN ACT to provide for the winding up of corporations which have been annulled and dissolved by legislative enactment.

SECTION 1. Duty of attorney-general.—Whenever any corporation organized under the laws of this state shall be annulled and dissolved by an act of the legislature, it shall be the duty of the

attorney-general immediately thereafter to bring a suit to wind up and finally settle and adjust the affairs of such annulled and dissolved corporation.

§ 2. Suit, where to be brought.—Such suit shall be brought in the supreme court in the name of the people of the state, in any county which the attorney-general may select. The president, or vice-president, or secretary, or treasurer of such dissolved corporation, who may have been in office at the time of the dissolution thereof, shall be named, as such officer, as defendant in such suit, and the summons and complaint therein shall be served upon him. If, at the time of such annulment and dissolution, there shall not be one of the above designated officers of such corporation, then such suit shall be brought against and the summons and complaint therein served upon any one of the persons who were last acting as directors of such corporation.

§ 3. Court to appoint receiver.—It shall be the duty of the special term of the supreme court in the county designated in such summons and complaint, or of any judge of said court who resides in the judicial department in which such county is situated, upon the presentation of a certified copy of the act of the legislature annulling and dissolving a corporation, and of the summons and complaint founded thereon, immediately to appoint a receiver of the assets and property of such dissolved corporation; and the person so appointed shall be both the temporary and permanent receiver thereof, and shall give a bond with sureties, to be approved by said court or such judge thereof, to the people of the State in the penalty of not less than \$10,000, conditioned for the faithful discharge of his duties as such receiver, and for his due accounting for, and paying over all moneys and property which may come to his hands as such receiver. No one of the officers, directors or stockholders of such corporation shall be appointed such receiver thereof.

§ 4. Receiver to make inventory.—Such receiver shall, immediately after his appointment and the approval of his bond, cause an inventory of all the property of such dissolved corporation to be taken and filed in the office of the clerk of the county in which such action is pending, and for the purpose of ascertaining the nature, extent and location of such property, the said receiver shall have power to compel the attendance of witnesses, as hereinafter provided, and all evidence taken by or before said receiver in relation to such property shall be filed by him in the office of such county clerk.

§ 5. Notice to creditors; powers and duties of receiver; creditors to present claims.—The said receiver shall, immediately after his appointment, publish in two newspapers to be designated by said court, or such judge thereof, daily for one week, and for such longer time, not exceeding one month, as the said court or such judge thereof may by order designate, a notice to all creditors of such dissolved corporation to present their claims and demands against, and all evidences of indebtedness of such dissolved corporation, to such receiver at a time and place to be designated in such notice. Such receiver is hereby authorized to examine on oath any of such creditors, or claimants, or other witnesses, as to any and all matters pertaining to any claim or demand or evidence of indebtedness so presented. At the expiration of ten days from the date specified in such notice, or within such further time as may be allowed by said court or such judge thereof, the said receiver shall make a list of all the claims presented to or proved before him, in which list he shall specify the amount, origin and true consideration of each claim so presented to or proved before him, and the name of the person in whose behalf the same is presented or proved, and the date when such claimant became the true owner thereof. Such list when so completed shall be verified by such receiver, and shall thereupon be filed, together with such evidence as may have been taken by him, in the office of the said county clerk. The said receiver shall, immediately after such filing, publish a notice daily for fourteen days in two newspapers to be designated by said court, or such judge thereof, stating that such list will be presented to such court, or to a judge thereof, residing in such county, on a day and at a place to be designated in such notice, and the said court or such judge thereof will then and there be asked for an order directing the sale at public auction of all the property specified in such inventory. Any creditor or stockholder may appear and be heard at such time and place. It shall be the duty of said court, or of such judge thereof, to whom such list shall be presented, to examine the same, together with such evidence as the receiver shall have taken, and to reject all claims, demands and evidences of indebtedness which were not legally incurred or created by said corporation, or which were in excess of its powers, or which are for any reason shown to be illegal; and no claim or demand shall be allowed for any greater amount than the money value of the consideration therefor, unless the said court or judge shall find and decide from the evidence taken by and before the receiver, that the person professing to own such claim does in truth own the same by reason of having taken a negotiable instrument or paper before the act dissolving and annulling the corporation alleged

to be bound by such instrument or paper and also before such instrument or paper was by its terms due, and that the same was taken for value paid, and parted with in good faith before said act of dissolution, and without knowledge or notice of any defect, want or deficiency of previous consideration, or other equity, off-set or defense originally attaching to such instrument or paper, or to the claim or demand upon which the same are founded. Such examination and rejection shall be made by such court or such judge thereof, and not by any referee.

§ 6. When claim of creditor is debarred; right of creditor to appeal; sale of property; allowance to receiver; distribution of assets.— All creditors whose claims shall not have been presented as above provided shall be debarred from participating in the avails of the sale of the property described in said inventory. Any creditor whose claim may have been rejected, and who shall have appealed, may apply to said court or such judge thereof for an order that a pro rata amount of the avails of such sale which would have appertained to the claim of such creditor, had not the same been rejected, may be retained in court to abide the result of his appeal, and said court, or such judge thereof, shall have discretion to grant the same. Any claimant feeling aggrieved by such rejection may appeal therefrom to the general term and to the Court of Appeals, in the manner now provided by law for such appeals from orders in civil actions, but neither of such appeals shall stay the proceedings of such receiver or court, or judge thereof, or a sale of such property as herein provided for. The amount of all claims and demands so rejected by said court or such judge shall be deducted from the total amount of claims and demands so filed by the said receiver, and an entry of such rejection shall be made upon said list by said court or such judge, and thereupon the said court or such judge shall by order, reciting the proceedings direct the immediate sale by said receiver, at public auction, at a time and a place and in the manner, and after such notice as may be provided in said order, of all the property in said inventory specified, to such person, firm or corporation as shall bid the highest sum or amount therefor. The receiver shall report to said court or such judge thereof, the name of the highest bidder, the amount bid, and thereupon said court or such judge thereof shall by order forthwith direct the said receiver by proper written instrument to convey and transfer all of the property described in said inventory, and offered for sale at said auction, to said highest bidder, who on receiving the same shall pay to the receiver the sum bid. The said court or such judge thereof,

shall allow to the receiver two per cent upon the whole amount received by him from the sale of the property described in said inventory for his compensation as such receiver, and also his disbursements, including witness' fees, and the service of subpoenas and to, the attorney-general, and to such other counsel as the receiver may find it necessary to employ, a reasonable counsel fee. The residue of the amount in the hands of the receiver shall be by him distributed among the owners of the claims in said list, which have been allowed subject to the deduction above provided for in case of an appeal, pro rata, or in full if such residue shall be sufficient therefor, and the receipts of such owners therefor shall be taken upon such list of claims. The balance of such residue, if any, shall be distributed among the lawful stockholders of such corporation in proportion to their interest therein.

§ 7. Proceedings not to be stayed.—No issue raised by answer, or demurrer, or otherwise, to the complaint hereinbefore provided for shall stay the proceedings of the receiver, or court, or a judge thereof.

§ 8. Discharge of receiver.—The said receiver after such payment may apply to said court, or a judge thereof for his final discharge, and if it shall appear that the said receiver has in all things fulfilled his duty in the premises, the said court or judge shall grant such final discharge, and said receiver, until so discharged, may as such receiver sue for and collect all debts due, and demands owing to such corporation.

§ 9. Subpoenas, by whom issued ; receiver may administer oaths ; false swearing, perjury.—It shall be the duty of the clerk of the county in which such suit is brought, to issue, upon the request of the receiver, subpoenas to compel the attendance of witnesses to enable him to ascertain the nature, extent and location of the property of said corporation, and to give evidence concerning any claim which may be presented by any creditor against the estate of such corporation, which subpoenas shall be served in like manner as in civil actions, and the fees of the witness shall be the same as are now established by law in such actions. The receiver shall have full power and authority to administer oaths to all such witnesses and to any creditor of such dissolved corporation, and to examine them concerning the property of such dissolved corporation, and as to the claims presented against it. Disobedience to such subpoenas shall be a contempt of court, and shall be punished in like manner as other contempts of court are now punishable. Willful false swearing by any

witness or creditor in any such examination shall be deemed perjury, and shall be punishable as such in like manner as if committed by a witness on a trial of a civil action.

§ 10. Leave to sue receiver, how and where obtainable.— All applications for leave to sue such receiver and all applications for injunctions to restrain his proceedings, shall be made only to the supreme court in the county in which such action was brought, and shall not be made to any other court, or to the supreme court in any other county, and shall not be granted except upon eight days' notice to the attorney-general of the time and place of making such application. In any action hereafter brought or now pending by the attorney-general, to close up, determine, or settle the affairs of any corporation dissolved by legislative enactment, the judgment or determination of the supreme court at general term may be reviewed upon appeal to the Court of Appeals, as now provided by law, whether the judgment rendered in the case be interlocutory or final. (*Thus amended, chap. 601, Laws of 1887.*)

§ 11. Repeal, etc.— This act shall take effect immediately, and all acts and parts of acts inconsistent therewith are hereby repealed.

CHAP. 84, LAWS OF 1871.

AN ACT to authorize the owners and holders of certain railroad mortgage bonds, made payable to bearer, to render the same payable to order only.

SECTION 1. Railroad and other corporate bonds ; how made non-negotiable.— It shall be lawful for any person or persons owning and holding any railroad mortgage bonds, or other corporate bonds (for which a registry is not by law provided), heretofore issued, or which may be hereafter issued, and made payable in this state, and which are made payable to bearer, to render the same non-negotiable by the owner and holder indorsing upon the same and subscribing a statement that said bond is the property of such owner. And thereupon the principal sum of money mentioned in said bond shall only be payable to such owner or his legal representatives or assigns.

§ 2. Transfers ; how made.— The bonds described and referred to in the first section of this act may be transferred by an indorsement in blank, giving name and residence of assignor, or they may be transferred by an indorsement payable to bearer or to the order

of the purchaser (naming him), subscribed by the assignor, giving name and place of residence.

CHAP. 595, LAWS OF 1873.

AN ACT relative to certain negotiable corporate bonds and obligations.

SECTION 1.—How owner may make bonds non-negotiable.—The owner or holder of any corporate or municipal bond or obligation (except such as are designed to circulate as currency) payable to bearer, heretofore issued, or which may hereafter be issued and payable in this state, but not registered in pursuance of any law thereof, may make the same non-negotiable (except as provided in the second section of this act), by subscribing his name to a statement indorsed thereon that such bond or obligation is his property; and thereupon the principal sum therein mentioned shall be payable only to such owner or holder, or his legal representatives or assigns.

§ 2. How transferred after such indorsement.—The bonds and obligations mentioned in the last section, after having been indorsed as therein provided, may be transferred by an indorsement, in blank, or payable to bearer, or to order, with the addition of the assignor's place of residence.

§ 3. The provisions of this act apply to interest coupons.—The provisions of this act shall apply to all interest coupons accompanying any corporate or municipal bond or obligation payable in this state.

§ 4. Repeal.—So much of chapter eighty-four of the Laws of one thousand eight hundred and seventy-one, entitled "An act to authorize the owners and holders of certain railroad mortgage bonds, made payable to bearer, to render the same payable to order only," as is inconsistent with this act is hereby repealed.

CHAP. 779, LAWS OF 1868.

AN ACT in relation to mortgages executed by railroad companies.

SECTION 1. Chattel mortgages.—It shall not be necessary to file as a chattel mortgage, any mortgage which has been, or shall hereafter be, executed by any railroad company upon real and personal property, and which has been or shall be recorded as a mortgage of real estate in each county in or through which the railroad runs.

CHAP. 529, LAWS OF 1870.**AN ACT in relation to mechanics' liens.**

SECTION 1. Provisions of lien law extended to railroad bridges and trestle work.—The provisions of the law relating to mechanics' lien heretofore passed shall apply to bridges and trestle work erected for railroads and materials furnished therefor, and labor performed in constructing said bridges, trestle work and other structures connected therewith; and the time within which said liens may be filed shall be extended to ninety days from the time when the last work shall have been performed on said bridges, trestle work and structures connected therewith, or the time from which said materials shall have been delivered. This act shall apply to all uncompleted work commenced prior to the passage of this act.

CHAP. 392, LAWS OF 1875.**AN ACT for the better security of railroad employes for labor performed.**

SECTION 1. Lien for labor upon rolling stock, etc.—Any person who shall hereafter perform any labor for a railroad corporation shall, on filing with the county clerk of any county in which such railroad corporation is situated, or through which the road of such corporation passes, the notice prescribed by the second section of this act, have a lien for the value of such labor upon such railroad track, rolling stock, and appurtenances, and upon the land upon which such railroad track and appurtenances are situated, to the extent of the right, title and interest of such railroad corporation in the property existing at the time of filing the said notice.

§ 2. When notice to be filed; to be entered by county clerk on "lien docket;" fee.—Within thirty days after the performance and completion of such labor, such person shall file a notice in writing with the county clerk of the county where the property is located, specifying the amount of claim, and the corporation against whom the claim is made. The county clerk shall enter the particulars of such notice in a book to be kept in his office, to be called the "lien docket," with the name of claimant, amount claimed, the name of such corporation against which such claim is made, and the date of the filing of the notice, hour and minute. A fee of ten cents shall be paid to said clerk on filing said lien, and said notice when so filed, shall thereafter operate as an incumbrance upon said property.

§ 3. Value of labor to be proved on trial.— Any person performing labor, in availing himself of the provisions of this act, shall, upon the trial, or at the assessment of damages, produce evidence to establish the value of such labor, and that the same was performed for such railroad corporation.

§ 4. Lien, how enforced.— Any laborer, performing any work, or assignee thereof, may, after such labor is performed, and the services of the notice required by the first section of this act, bring an action in any of the courts of the county in which said property is situated, to enforce said lien, requiring such railroad corporation to appear, by attorney, within thirty days after such service and answer the same, or, in default thereof, the claimant may take judgment for the amount of claim and costs.

§ 5. Lien to continue one year.— Every lien created under the provisions of this act shall continue until the expiration of one year, unless sooner discharged by the court or some legal act of the claimant in the proceedings; but when a judgment is entered therein, and docketed with the county clerk within said year, it shall be a lien upon the real property of the railroad corporation against who it is obtained to the extent that other judgments are now made a lien thereon.

§ 6. Priority of liens.— The liens created and established by virtue of the provisions of this act shall be paid and settled according to the priority of the notice filed with the county clerk, as directed by the second section hereof.

§ 7. Liens, how discharged.— All liens created by this act may be discharged as follows:

1. By filing with the county clerk a certificate of the claimant, or his successors in interest, acknowledged or proved in the same manner as a conveyance of real estate, stating that the lien has been paid or discharged; or

2. By depositing with the court or clerk of the court a sum of money equal to double the amount claimed, which money shall be thereupon held subject to the determination of the lien; or

3. By an entry of the county clerk made in the book of liens, that the proceedings on the part of the claimant have been dismissed by the court in which it is brought, or a judgment rendered against the said claimant; or

4. By an affidavit of the service of a notice from such railroad corporation, or its attorney, to the claimant, requiring such claimant to commence an action for the enforcement of said lien within twenty days after service of said notice, and the failure of said claimant to commence an action as aforesaid.

§ 8. **Personal liability of stockholders; notice; time for commencing action.** — Each and all stockholders of such corporation shall be jointly and severally liable for the debts due or owing to any of its laborers or servants, other than contractors, for personal service for ninety days service, or less than ninety days service, performed for such corporation, but shall not be liable to an action therefor, before an execution shall be returned unsatisfied in whole or in part against the corporation, and the amount due on such execution shall be the amount recoverable with costs against such stockholders; before such laborer or servant shall charge such stockholders for such ninety days service, or less than ninety days service, he shall give notice in writing, within twenty days after the performance of such service, that he intends to so hold him liable, and shall commence such action therefor within thirty days after the return of such execution unsatisfied, as above mentioned; and every stockholder against whom any such recovery by such laborer or servant shall have been had, shall have a right to recover the same of the other stockholders in such corporation in ratable proportion to the amount of the stock they shall respectively hold with himself.

CHAP. 383, LAWS OF 1883.

AN ACT entitled "An act relating to certain contracts for the lease or conditional sale of railroad equipment and rolling stock and provided for the record thereof."

SECTION 1. Conditional sale, lease or loan of equipment and rolling stock to be invalid as to judgment creditors and purchasers, without notice, unless evidenced in writing and recorded. — Whenever any railroad equipment and rolling stock shall hereafter be sold, leased or loaned on the condition that the title to the same, notwithstanding the possessions and use of the same by the vendee, lessee or bailee, shall remain in the vendor, lessor or bailor, until the terms of the contract as to the payment of the installments, amounts or rentals payable, or the performance of other obligations thereunder shall have been fully complied with, but also providing that title thereto shall pass to the

vendee, lessee or bailee on full payment therefor as aforesaid, such contracts shall be invalid as to any subsequent judgment creditor or any subsequent purchaser for a valuable consideration without notice, unless

1. The same shall be evidenced by writing, duly acknowledged before some person authorized by law to take acknowledgments of deeds.

2. Such writing shall be recorded in the same book as mortgages are recorded, in the office of the clerk of the county in which is located the principal office or place of business of such vendee, lessee or bailee within the State, or in the office of the register in counties where there is a register's office.

3. Name of vendor, etc., to be on locomotive or car, etc.— Each locomotive or car so sold, leased or loaned, shall have the name of the vendor, lessor or bailor, or the assignee of such vendor, lessor or bailor plainly marked upon both sides thereof, followed by the word owner, lessor, bailor or assignee, as the case may be.

§ 2. Not to invalidate any contract heretofore made if recorded within ninety days.— This act shall not be held to apply to or invalidate any contract heretofore made of the character described in the first section, but the same shall be and remain valid if recorded within ninety days from the date hereof.

CHAP. 488, LAWS OF 1885.

AN ACT to amend chapter three hundred and fifteen of the laws of eighteen hundred and eighty-four, entitled "An act requiring contracts for the conditional sale of personal property on credit to be filed in the town clerk's and other offices."

SECTION 1. Amending section 2, chapter 315, Laws of 1884.— Section two of chapter three hundred and fifteen of the Laws of eighteen hundred and eighty-four, entitled "An act requiring contracts for the conditional sale of personal property on credit to be filed in the town clerk's and other offices," is hereby amended so as to read as follows:

§ 2. Instruments, where to be filed.— The instruments mentioned in the preceding section shall be filed in the several towns and cities of this State, where the person to whom such property is so contracted to be sold, if a resident of this State, shall reside at the time of the execu-

tion thereof ; and if not a resident, then in the city or town where the property so contracted to be sold shall be at the time of the execution of such instrument. In the city of New York such instrument shall be filed in the office of the register of the city, and in the county of Kings in the office of the register of said county. In the several cities of this State other than the cities of New York and Brooklyn, and in the several towns of this State in which a county clerk's office is kept, in such office; and in each of the other towns in this State, in the office of the town clerk thereof. If the conditional vendee be a railroad corporation, the instrument mentioned in the preceding section shall be filed in the office of the clerk of each county through which its railroad is located, or, in counties where there is a register, in the office of the register; and such filing shall be deemed sufficient for all the purposes of this act. Such registers and clerks are hereby required to file all such instruments aforesaid, presented to them respectively for that purpose, and to indorse thereon the time of receiving the same, and shall deposit the same in their respective offices, to be kept there for the inspection of all persons interested.

CHAP. 225, LAWS OF 1888.

AN ACT further to amend chapter 315 of the Laws of 1884, entitled "An act requiring contracts for the conditional sale of personal property on credit to be filed in the town clerk's and other offices."

SECTION 1. Section seven of chapter three hundred and fifteen of the Laws of eighteen hundred and eighty-four, entitled "An act requiring contracts for the conditional sale of personal property on credit to be filed in the town clerk's and other offices," as the same was amended by chapter four hundred and eighty-eight of the Laws of eighteen hundred and eighty-five, and by chapter four hundred and ninety-five of the Laws of eighteen hundred and eighty-six, is hereby further amended so as to read as follows:

§ 7. * * * This act shall not apply to railroad equipment or rolling-stock sold, leased or loaned, under a contract which has been or must be recorded pursuant to the provisions of chapter three hundred and eighty-three of the Laws of eighteen hundred and eighty-three, entitled "An act relating to certain contracts for the lease or conditional sale of railroad equipment and rolling-stock, and providing for the record thereof."

CHAP. 63, LAWS OF 1887.

AN ACT to provide for the amicable adjustment of grievances and disputes that may arise between employer and employes and to authorize the creation of a State Board of Mediation and Arbitration.

* * * * *

§ 13. Act applicable to all corporations.—Whenever the term “employer” or “employers” is used in this act, it shall be held to include “firm,” “joint-stock association,” “company” or “corporation,” as fully as if each of the last-named terms was expressed in each place.

CHAP. 381, LAWS OF 1889.

AN ACT to provide for the cash payment of wages by corporations.

SECTION 1. Wages payable only in cash.—Every manufacturing, mining or quarrying, mercantile, railroad, street railway, canal, steamboat, telegraph and telephone corporation and every incorporated express company, and water company not municipal, shall pay to each and every employe engaged in its business the wages earned by such employe in cash; and it shall not be lawful for any of the above-named companies or corporations to pay their employes in their own scrip or that of others commonly known as store money orders.

§ 2. Penalty for violation of act.—Any corporation violating any of the provisions of this act shall be punished by a fine not exceeding fifty, and not less than ten dollars, on each complaint on which it is convicted, provided complaint for such violation is made within thirty days from the date thereof.

§ 3. Act when to go into operation.—This act shall take effect upon the first day of July, one thousand eight hundred and eighty-nine.

CHAP. 717, LAWS OF 1893.

AN ACT to amend chapter three hundred and eighty-eight of the laws of eighteen hundred and ninety, entitled “An act to provide for the weekly payment of wages by corporations.”

SECTION 1. Every manufacturing, mining, quarrying, lumbering, mercantile, railroad other than a steam surface railroad, steamboat, telegraph, telephone and municipal corporation or joint-stock company, and every incorporated or joint-stock express or water company, shall pay weekly to each of its employes the wages earned by such employe

to within six days of the date of such payment unless any such employe shall be absent from his regular place of labor at the usual time of payment, in which case payment shall be made at any reasonable time thereafter upon demand. Whenever any such joint-stock company or corporation shall contract or lease its plant, works or business, to an agent or other person to conduct the same, and to turn over the product or receipts thereof to such joint-stock company or corporation, it shall be and it is hereby made a condition of such contract or lease that the agent or person so contracting or leasing the plant, works or business of such corporation or joint-stock company shall pay in cash weekly the wages earned by persons engaged by him to work in and about such plant, works or business, the same as if such persons were employed directly by such corporation or joint-stock company.

§ 2. Any joint-stock company or corporation violating any of the provisions of this act shall be liable to a penalty not exceeding fifty dollars and not less than ten dollars for each violation, to be paid to the people of the state, and which may be recovered in a civil action; provided an action for such violation is commenced within thirty days from the date thereof. The factory inspectors of this state, their assistants or deputies may bring an action in the name of the people of the state as plaintiffs against any joint-stock company or corporation which neglects to comply with the provisions of this act for a period of two weeks, after having been notified in writing by such inspectors, assistants or deputies that such action will be brought. On the trial of such action such joint-stock company or corporation shall not be allowed to set up any defense for a failure to pay weekly any employe engaged in its business, the wages earned by such employe to within six days of the date of such payment other than a valid assignment of such wages or a valid set off against the same, or the absence of such employe from his regular place of labor at the time of payment, or an actual tender to such employe at the time of payment, of the wages so earned by him, or a breach of contract by such employe, or a denial of the employment. No assignment of future wages, payable weekly, under the provisions of this act shall be valid if made to the corporation or joint-stock company from which such wages are to become due, or to any person on behalf of such joint-stock company or corporation, or if made or procured to be made to any person for the purpose of relieving such joint-stock company or corporation from the obligation to pay weekly under the provisions of this act. Charges for groceries, provisions or clothing shall not be made a valid offset for wages, nor shall any such corporation or joint-stock company require as a condition

of employment any agreement from any employe to accept wages at other periods than as provided in section one of this act. Any person, acting as the agent or lessee of a corporation or joint-stock company, and operating its plant, works or business and disposing of the products thereof chiefly or solely to such corporation or joint-stock company, who shall violate the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than fifty dollars.

§ 3. The provisions of sections two hundred and sixty-three and three hundred and eighty-four of the code of civil procedure shall apply to and govern any proceedings brought to enforce the provisions of this act, as against joint-stock companies or corporations, and it is hereby made the duty of the attorney-general of this state to appear in behalf of such proceedings brought hereunder by the factory inspectors of this state, their assistants or deputies.

CHAP. 711, LAWS OF 1892.

AN ACT to provide for and limit the hours of service on railroads.

SECTION 1. No person, persons or corporation operating a line of railroad of thirty miles in length or over, in whole or in part, within this state, shall permit or require any conductor, engineer, fireman or any trainman who has worked in any capacity for twenty-four hours, to again go on duty or perform any kind of work until he has had at least eight hours' rest.

§ 2. Ten hours' labor performed within twelve consecutive hours shall constitute a day's labor in the operation of all steam surface and elevated railroads owned and operated within this state, provided that this provision shall not affect the mileage system now in operation, or that may hereafter be placed in operation, or trips of regular scheduled trains when completed within a less number of hours, and it is further provided that the provisions of this act shall not apply to extra hours of labor performed by any conductor, engineer, fireman or trainman in cases of unavoidable accident or delay caused by such accident.

§ 3. For every hour in excess of said ten hours' labor that any conductor, engineer, fireman or any trainman of any railroad company or corporation, owned or operated within this state, who works under the direction of a superior, or at the request of such company or corporation, shall be required or permitted to work, he shall receive comparative compensation for said extra service in addition to his daily compensation.

§ 4. Any railroad company or corporation, or any officer, agent or employe of any such company or corporation, violating or permitting the violation of any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of five hundred dollars for each offense.

CHAP. 488, LAWS OF 1892.

AN ACT for the protection, preservation and propagation of birds, fish and wild animals in the state of New York and the different counties thereof.

§ 46. **Transportation.**—Deer or venison killed in this state shall not be transported to any point within the state from or through any of the counties thereof or possessed for that purpose, except as follows. One carcass or a part thereof may be transported from the county where killed, when accompanied by the owner. The possession of deer or venison by common carriers, unaccompanied by the owner, is a violation of this section. This section does not apply to the head and feet or skin of deer severed from the body.

§ 76. **Woodcock and grouse, when not to be transported.**—Woodcock, ruffed grouse, commonly known as partridge, or any member of the grouse family, or quail killed in this state, shall not be transported to any point within this state, from any of the counties thereof, or possessed for that purpose, except that such birds may be transported from the county where killed, when accompanied by the owner thereof. Possession of the birds named by a common carrier, unaccompanied by the owner, is a violation of this section, unless it be proved by such common carrier that the birds were killed out of the state.

§ 109. **Certain fish not to be transported.**—Trout of any kind, salmon trout or land-locked salmon, caught in any of the inland waters of this state shall not be transported to any point within the state from any of the counties thereof, or possessed for that purpose, except when accompanied by the owner. Possession thereof by a common carrier, unaccompanied by the owner is a violation of this section.

See, also, chap. 62, Laws of 1893.

For penalties, see §§ 51, 82 and 120.

CHAP. 627, LAWS OF 1894.**AN ACT to amend the game law.**

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§ 140. **Exceptions as to Saint Lawrence county, and Lake Champlain in Essex county and Warren county.**—Bullheads, eels, suckers, catfish, and pickerel may be caught with spears, except during March, April and May, and pike in Lake Champlain, in Essex county. It shall be lawful at any time to fish for perch, suckers, bullheads and pickerel with nets and fykes; to shoot and spear such fish through ice and to catch the same in any of the streams, ponds or lakes in Warren county, excepting in Schroon lake and Long pond or Glen lake and Lake George, as to the use of nets, fykes and the catching of bullheads. No fish of any kind, except suckers and billfish or gar-pikes, shall be caught in Black lake, in Saint Lawrence county, or in the waters tributary to said lake, or in the Oswegatchie river, from the boundaries of the city of Ogdensburg to the village of Heuvelton, between the fifteenth day of November and the first day of May. No transportation company in Saint Lawrence or Jefferson counties shall transport any fish caught contrary to the provisions of this section, and when fish, at any time, are offered such company for transportation, they may, at their option, refuse to accept the same until satisfactory proof is furnished that they were not caught in violation of law.

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CHAP. 332, LAWS OF 1893.

AN ACT in relation to the forest preserve and Adirondack park, constituting articles six and seven of chapter forty-three of the general laws.

§ 107. **Duties of railroad companies.**—Every railroad company whose road passes through waste or forest lands or lands liable to be overrun by fires within the state, shall twice in each year cut and remove from its right of way all grass, brush or other inflammable materials, but under proper care and at proper times when fire, if set, can be kept under control. All locomotives which run through forest lands shall be provided with approved and sufficient arrangements for preventing the escape of fire from their furnaces or ashpans and with netting of steel or iron wire upon their smoke stacks to prevent the escape of sparks of fire and every engineer and fireman employed upon a locomotive shall see that the appliances to prevent the escape of fire are in use and applied as far as it can be reasonably and practically done. No railroad company

shall permit its employes to deposit fire coals or ashes upon their track in the immediate vicinity of wood lands, or lands liable to be overrun by fires, and where any engineers, conductors or trainmen discover that fences or other material or substances along the right of way upon wood lands adjacent to the railroad are burning, or in danger from fire, they shall report the same at their next stopping place and the person in charge of such station shall take prompt measures to extinguish such fires and shall immediately notify the nearest firewarden or forester. In seasons of drought and especially during the first dry time in the spring after the snows have gone and before vegetation has revived, railroad companies shall employ a sufficient number of trackmen for the prompt extinguishment of fires; and where a forest fire is raging near the line of their road, they shall concentrate such help and adopt such measures as shall most effectually arrest its progress. If any railroad company or any of its employes violate any provision of this section the company shall forfeit to the people of the state the sum of one hundred dollars for every such violation.

CHAP. 134, LAWS OF 1878.

AN ACT in relation to infectious and contagious diseases of animals.

(So much of section two of said act as is applicable to railways.)

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To order all or any animals coming into the state to be detained at any place or places for the purpose of inspection and examination.

To prescribe regulations for the destruction of animals affected with infectious or contagious disease, and for the proper disposition of their hides and carcasses, and of all objects which might convey infection or contagion, provided that no animal shall be destroyed unless first examined by a medical or veterinary practitioner in the employ of the governor as aforesaid.

To prescribe regulations for the disinfection of all premises, buildings, boats and railway cars, and of all objects from or by which infection or contagion may take place or be conveyed.

To alter and modify from time to time, as he may deem expedient, the terms of all such proclamations, orders and regulations, and to cancel or withdraw the same at any time. (*As am'd by chap. 286, Laws 1888.*)

CHAP. 661, LAWS OF 1893.

AN ACT in relation to the public health, constituting chapter twenty-five of the general laws.

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§ 23. **Burial and burial permits.**— Every such local board shall prescribe sanitary regulations for the burial and removal of corpses, and

shall designate the persons who shall grant permits for such burial, and permits for the transportation of any corpse which is to be carried for burial beyond the county where the death occurred. Every undertaker, sexton or other person having charge of any corpse shall procure a certificate of the death and the probable cause, duly certified by the physician in attendance upon the deceased during his last illness, or by the coroner where an inquisition is required by law, and if no physician was in attendance, and no inquest has been held or required by law, an affidavit stating the circumstances, time and cause of death, and sworn to by some credible person known to the officer granting the permit, and there shall be no burial or removal of a corpse until such certificate or affidavit has been presented to the local board, or to the person designated by it, and thereupon a permit for such burial or removal has been obtained. When application is made for a permit to transport a corpse over any railroad, or upon any passenger steamboat within the state, the board of health, or the officers to whom such application is made, shall require such corpse to be closed in a hermetically sealed casket of metal or other indestructable material, if the cause of death shall have been from a contagious or infectious disease.

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CHAP. 300, LAWS OF 1837.

AN ACT relative to unclaimed trunks and baggage.

SECTION 1. Description of same to be entered in a book.—The proprietor or proprietors of the several lines of stages, and the proprietors of the several canal boat lines, and the proprietors of the several steamboats, and the several incorporated railroad companies, and the keepers of the several inns and taverns within this state, who shall have any unclaimed trunks, boxes or baggage within his, their, or either of their custody, shall immediately enter the time the same was left, with a proper description thereof, in a book to be by them provided and kept for that purpose. In case the name and residence of the owner shall be ascertained, it shall be the duty of such person who shall have any such property as above specified, to immediately notify the owner thereof by mail.

§ 2. Description of property to be made and published in state paper.—In case there shall not be any information obtained as to the owner, it shall be the duty of the person having the possession thereof, to make out a correct written description of all such property as shall have been unclaimed for thirty days, stating the time the same came into his possession, and forward said description to the editor of

the state paper, whose duty it shall be on the first Mondays of July, October, January and April, in each year, to publish the same in the state paper once a week for three weeks successively.

§ 3. If not claimed for sixty days after said publication, to be opened and examined and an inventory made; when to be sold at public auction, upon what notice; disposition of proceeds. — In case the said property shall remain unclaimed for sixty days after the said publication, it shall be the duty of the person or company having possession thereof, to apply to a magistrate of the town or city in which said property is retained, in whose presence and under whose direction said property shall be opened and examined, and an inventory thereof taken by said magistrate; and if the name and residence of the owner is ascertained by such examination, it shall be the duty of the magistrate forthwith to direct a notice thereof to such owner, by mail; and if said property shall remain unclaimed for three months after such examinations, it shall be the further duty of the person or company having possession thereof to apply to a magistrate as aforesaid, and if said magistrate shall deem such property of sufficient value, he shall cause the same to be sold at public auction, giving six days' previous notice of the time and place of such sale; and from the proceeds of such sale he shall pay the charges and expenses legally incurred in respect to said property, or a ratable proportion thereof to each claimant, if insufficient for the payment of the whole amount; and the balance of the proceeds of such sale, if any, the said magistrate shall immediately pay to the overseers of the poor of said town or city, for the use of the poor thereof, and the said overseers shall make an entry of such amount, and the time of receiving the same, upon their official records, and it shall be subject, at any time within seven years thereafter, to be reclaimed by, and refunded to, the owner of such property, his heirs or assigns, on satisfactory proof of such ownership.

§ 4. Expense; to be a lien on property. — The person making the entry of unclaimed property as above specified, shall be entitled to twelve and a half cents for each trunk, box, bale, package or bundle so entered, and shall have a lien on the property so entered until payment shall be made; and in case any additional expense shall be incurred for printing, the lien shall continue until payment shall be made for such additional expense.

§ 5. Penalty. — In case any person shall neglect or refuse to comply with the provisions of this act, he shall forfeit the sum of five dollars for each and every trunk, box or bundle of baggage so neglected as

above specified, to the benefit of any person who shall sue for the same in his own name, in an action of debt in any court having cognizance thereof.

CHAP. 364, LAWS OF 1882.

AN ACT to regulate the interchange of freight and passengers between the Central Vermont railroad and the Ogdensburgh and Lake Champlain railroad at Rouse's Point.

SECTION 1. Freight to be exchanged in same cars in which same is billed for transportation.—All freight billed or consigned from points in this State, or from points on connecting railways to points reached by the Central Vermont railroad, and lines leased and managed by said Central Vermont railroad, and Ogdensburgh and Lake Champlain railroad and their connections, shall be exchanged in the same cars in which said freight is billed for transportation to its destination, and no discrimination shall be made by either of the companies named in this act, on account of said cars belonging to different corporations or carrying through all rail or other freight. Provided said cars shall be in the condition required under the rules and regulations usual and in force among connecting railroads.

§ 2. Cars offered by one company to another to be taken in the usual manner.—All passenger, sleeping, baggage or other cars offered by one company to the other shall be taken in the same manner as is usual in the interchange of through passenger cars by connecting railroads.

§ 3. No additional charge to be made.—No additional charge shall be made by reason of one company taking from the other for transportation to destination any cars, freight or passengers under the provisions of this act.

§ 4. Penalty for violation of this act.—Either of the companies named in this act violating the provisions of the same shall forfeit to the other as liquidated damages for each case of refusal or neglect to comply with the terms of this act the sum of \$500.

CHAP. 401, LAWS OF 1887.

AN ACT in relation to milk cans.

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§ 11. Rights of railroad superintendents in relation thereto.—The owner or owners, dealer or dealers, shipper or shippers, and the several superintendents of the various railroad companies and the

branches and connections thereof, and steamboat lines operating their lines, or any portion thereof in the state of New York or elsewhere, shall have power to collect, gather and take into possession from any person or persons within the state of New York, or wherever found in said state, any such milk or cream can or cans, and shall have power to appoint an agent therefor.

§ 12. What shall constitute evidence of appointment of agent.— The certificate of any superintendent of any railroad companies or steamboat lines mentioned in this act, or other person or persons authorized thereto, in this act, appointing an agent to collect such can or cans duly acknowledged before a notary public, shall be presumptive evidence of the authority of such agent.

§ 13. Powers of such agent.— Such agent shall have full power to collect, gather and take into his possession from any persons, or wherever found, any such milk or cream can or cans, and in case of resistance may call to his aid the assistance of any constable or police officer, who shall assist him to take possession of such can or cans.

CHAP. 401, LAWS 1892.

AN ACT to revise and consolidate the laws regulating the sale of intoxicating liquors.

§ 30. Licenses by comptroller to common carriers.— The comptroller is hereby authorized to grant licenses to persons, associations or corporations engaged in the transportation of passengers by cars, steamboats or vessels, within the limits of this state, permitting them to sell strong or spirituous liquors, wines, ale or beer, to such passengers while in transit, without license by any board of excise. Every license so granted by the comptroller shall expire at the end of one year from the date of its issuance. It shall be granted upon such terms, conditions and restrictions as such comptroller may deem proper, and upon the payment of such sum as he shall fix, not less than thirty dollars for each and every car, boat or vessel in which such sales are to be made. The moneys received by him for licenses shall be paid into the treasury of the state. Any person or corporation who shall sell, or permit to be sold, or offer or expose for sale any strong or spirituous liquors, wines, ale or beer, upon any car, steamboat or vessel, without having first obtained a license therefor as herein provided, shall forfeit the sum of fifty dollars for each offense, to be sued for and recovered in an action in the name of the people, brought by the attorney-general; and the person so offending shall be guilty of a misdemeanor.

§ 39. Employment of persons addicted to intoxication by common carriers.—Any person, association or corporation engaged in the business of conveying passengers and property for hire who shall employ in the conduct of such business any person who habitually indulges in the intemperate use of intoxicating drinks, after notice that such person has been intoxicated while in the active service of such person, association or corporation as an engineer, fireman, conductor, switchtender, commander, pilot, mate, foreman or in other like capacity, so that by his neglect of duty the safety and security of the life, person or property so conveyed might be imperilled, shall be guilty of a misdemeanor.

CHAP. 590, LAWS OF 1872.

AN ACT to regulate processions and parades in the cities of the state of New York.

SECTION 1. No procession or parade to interfere with free passage of cars upon street railways.—No procession or parade shall use any street upon the surface of which is a railway track or tracks by marching upon the said track or tracks, and a free passage of cars upon railway tracks shall not be interfered with by the formation, halt or march of any such procession or parade, or of the persons composing it. Whenever any procession shall find it necessary to march across a railway track, the portion of said procession which is so marching is likely to stop the passage of any car or cars upon said track, shall come to a halt in order to permit said car to proceed.

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§ 4. Penalty.—Every person willfully violating any provision of this act shall be guilty of a misdemeanor, punishable with a fine not exceeding twenty dollars, or imprisonment not exceeding ten days, or both at the discretion of the court.

CHAP. 292, LAWS OF 1882.

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§ 2. Oils that ignite below 300 degrees Fahrenheit not to be burned in cars.—No oil or burning fluid, whether composed wholly or in part of coal oil and petroleum or their products, or other substance or material, which will ignite at a temperature below three hundred degrees by the Fahrenheit thermometer, shall be burned in lamp, vessel, or other stationary fixture of any kind, or carried as freight, in any passenger or baggage car or passenger boat moved by steam power in this state, or in any stage or street car drawn by horses. Exceptions

as regards the transportation of coal oil, petroleum and its products, are hereby made when the same is securely packed in barrels or metallic packages, and permission is hereby granted for its carriage in passenger boats moved by steam power when there are no other public means of transportation. Any violation of this act shall be deemed a misdemeanor and subject the offending party or parties to a penalty not exceeding three hundred dollars, or imprisonment not exceeding six months, at the discretion of the court.

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§ 5. It shall be the duty of all district attorneys of the counties in this state to represent and prosecute in behalf of the people, within their respective counties, all cases of offenses arising under the provisions of this act.

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CHAP. 490, LAWS OF 1885.

AN ACT concerning tramps.

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§ 4. Penalty for entering building without consent.—Any tramp who shall enter any building against the will of the owner or occupant thereof, under such circumstances as shall not amount to burglary, or willfully or maliciously injure the person or property of another, which injury under existing law does not amount to a felony, or shall be found carrying any firearms or other dangerous weapon, or burglar's tools, or shall threaten to do any injury to any person or to the real or personal property of another, when such offense is not now punishable by imprisonment in the state prison, shall be deemed guilty of felony, and on conviction shall be punished by imprisonment in the state prison at hard labor for not more than three years.

CHAP. 529, LAWS OF 1887.

AN ACT to regulate the hours of labor in the street surface and elevated railroads chartered by the state, in cities of 100,000 inhabitants and over.

SECTION 1. Hours of labor on surface street and elevated railroads.—Ten hours' labor to be performed within twelve consecutive hours, with reasonable time for meals, shall constitute a day's labor in the operation of all street surface and elevated railroads owned or operated by corporations incorporated under the laws of this state, whose main line of travel, or whose routes lie principally within the corporate limits of cities of more than 100,000 inhabitants, whatever motive power may be used in the operation of such railroads.

§ 2. Violation of act a misdemeanor.— It shall be a misdemeanor for any officer or agent of any such corporation to exact from any of its employes more than ten hours' labor, the same to be performed within twelve consecutive hours, with not less than one half hour for dinner, constituting a day; provided, however, that in cases of accident or unavoidable delay, extra labor may be permitted for extra compensation.

§ 3. How applicable.— This act shall not affect contracts now in force, nor apply to existing corporations whose charters are not subject to alteration, modification or repeal.

§ 4. Repeal.— All acts inconsistent with this act are hereby repealed.

(This act supersedes chap. 151, Laws of 1886.) As to street roads, see, also, chap. 415, Laws of 1880. As to elevated roads, see, also, chap. 338, Laws of 1881.

CHAP. 38, LAWS OF 1889.

AN ACT to regulate the payment of fares upon railroads.

SECTION 1. Extra fare may be exacted when no ticket is purchased; rebate ticket to be issued therefor.— It shall be lawful for any company owning or operating a steam railroad in this state to demand and collect an excess charge of ten cents over the regular or established rate of fare, from any passenger who pays fare in the car in which he or she may have taken passage, except where such passage is wholly within the limits of any incorporated city in this state; provided, however, that it shall be the duty of such company to give to any passenger paying such excess a receipt or other evidence of such payment, and which shall legibly state that it entitles the holder thereof to have such excess charge refunded upon the delivery of the same at any ticket office of said company, upon the line of their railroad, and said company shall refund the same upon demand; and provided, further, that this act shall not apply to any passenger taking passage from a station or stopping place when tickets can not be purchased during half an hour previous to the schedule time for the departure of said train on which such passenger takes passage.

CHAP. 360, LAWS OF 1891.

AN ACT to confer upon the board of railroad commissioners of the state of New York authority to compel the lighting and ventilation of all tunnels within this state which are used by steam railroads.

SECTION 1. The board of railroad commissioners of the state of New York are hereby authorized, empowered and given full and complete authority to require and compel all tunnels used or to be used

by railroads operated by steam in this state to be properly ventilated in such manner and by such means and mechanical appliances as said board of railroad commissioners, or a majority of the same, may direct.

§ 2. The board of railroad commissioners of this state are also hereby authorized, empowered and given full and complete authority to require and compel all tunnels used, or to be used by railroads operated by steam in this state, to be properly lighted by electricity or otherwise, or by such means or in such manner as said board of railroad commissioners, or a majority of the same, may direct.

§ 3. Whenever said board of railroad commissioners of this state, or a majority thereof, shall cause to be personally served upon any railroad corporation controlling any tunnel, or part of a tunnel, in this state for the purpose of operating a railroad or moving, hauling or propelling cars therein by steam by delivering a copy personally to the president, general manager or any director of said corporation of a notice or order, signed by a majority of said board of railroad commissioners, stating and specifying the structures to be erected, the manner, means, mechanical appliance and apparatus to be used in lighting or ventilating any tunnel or tunnels used by said corporation for the purpose of moving, hauling or propelling cars by steam therein as aforesaid, said corporation shall, within thirty days from and after the service of said notice or order as aforesaid, cause said tunnel or tunnels so used by it as aforesaid to be lighted or ventilated, or both, in the manner and by the means and use of the mechanical apparatus and appliances specified and pointed out in said notice or order.

§ 4. After the expiration of thirty days from the service of said order or notice specified in the preceding section, as therein directed, if said corporation shall not have fully complied with the provisions and requirements of said notice or order as aforesaid and as therein directed and required, said board of railroad commissioners, or a majority of said board, may apply to the supreme court of this state for a writ of mandamus to compel said corporation or corporations so neglecting or refusing to obey and comply with the provisions of said order or notice to comply with and obey the provisions and requirements of said notice or order, and said court shall have full power and authority to hear and determine said matter, and, after giving the corporation or corporations proceeded against an opportunity to be heard in its or their defense, to compel said corporation or corporations so proceeded against to obey said order or notice, and forthwith comply with and carry out the provisions and requirements therein contained.

§ 5. Every corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and may be indicted therefor, and may be compelled to appear and plead to an indictment therefor in the person of its president, secretary, treasurer or any director thereof, and a bench warrant may issue out of any competent court to compel such attendance and pleading, and upon conviction thereof, punished by a fine of \$1,000, and an additional fine of \$500 a day for each and every day or part of a day after thirty days from the due service of said notice or order that said corporation shall refuse or neglect to obey and carry out the requirements and provisions of the same, and duly sentenced to pay the same.

§ 6. It shall be the duty of the district attorney prosecuting any corporation for a violation of any of the provisions of this act, that shall be convicted thereof, and sentenced to pay a fine therefor, to cause a judgment-roll to be made up, consisting of the indictment orders and sentence of the court and a formal judgment, to be prepared by him, which judgment shall be duly signed by the clerk of the county in which said trial took place; said judgment-roll shall be filed by said county clerk and said judgment shall be duly recorded in the book of judgments in said county and duly entered and docketed by said county clerk in said county the same as if said judgment had been obtained in a civil action, and said judgment so duly entered and docketed shall become and be a lien upon all the real estate of said corporation against which the same is obtained, and the collection thereof may be enforced by execution to be issued and signed by the district attorney of the county where the trial of said indictment took place, in the same manner and to the same extent as executions are collected in civil action.

§ 7. In cities in this state having a population of one million inhabitants or over, where tunnels are or may hereafter be operated or controlled by any railroad corporation such portions of any mechanical or other devices or appliances as may be required under the provisions of this act to be constructed on or above the surface of any streets, avenues or other places under which such tunnels may be built, shall be subject as to form, material and construction, the approval of the local authorities in such cities, except that in the city of New York such approval shall be by a majority vote of the mayor, the comptroller, the commissioner of public works and the president of the department of public parks of said city.

CHAP. 474, LAWS OF 1855.

AN ACT for the protection of emigrants, second-class, steerage, and deck passengers.

SECTION 1. It shall be the duty of all companies, associations and persons, hereafter undertaking to transport or convey, or engaged in transporting or conveying, by railroad, steamboat, canal boat or propeller any immigrant, second-class, steerage or deck passenger from the city, bay, or harbor of New York, to any point or place, distant more than ten miles therefrom, or from the cities of Albany, Troy and Buffalo, the town or harbor of Dunkirk, or the Suspension Bridge, to any other place or places, to deliver to the mayors of the city of New York, Albany, Troy and Buffalo, on or before the first day of April in each and every year, a written or printed statement of the price or rates of fare to be charged by such company, association or person, for the conveyance of such immigrant, second-class, steerage and deck passengers respectively, and the price per hundred pounds for the carriage of the luggage, and the weight of luggage to be carried free, of such passengers from and to each and every place, from and to which any such company, association, or person shall undertake to transport and convey such passengers; and such prices or rates shall not exceed the prices and rates charged by the company, association or person, after the time of delivering such statement to the said mayors, and such statement shall also contain a particular description of the mode and route by which such passengers are to be transported and conveyed, specifying whether it is to be by railroad, steamboat, canal boat or propeller, and what part of the route is by each, and also the class of passage, whether by immigrant trains, second-class, steerage or deck passage. In such case such companies, association or person shall desire thereafter to make any change or alteration in the rates or prices of such transportation and conveyance, they shall deliver to said mayors respectively a similar statement of the prices and rates as altered and changed by them; but the rates and prices so changed and altered shall not be charged or received until five days after the delivery of the statement thereof to the said mayors respectively.

§ 2. Every ticket, receipt or certificate which shall be made or issued by any company, association or person, for the conveyance of any immigrant, second-class, steerage or deck passengers, or as evidence of their having paid for a passage, or being entitled to be conveyed from either or any of the points or places in the first section of this act mentioned to any other place or places, shall contain or have endorsed thereon a printed statement of the names of the particular railroad or

railroads, and the line or lines of steamboats, canal boats and propellers, or of the particular boats or propellers, as the case may be, which are to be used in the transportation and conveyance of such passengers, and also the price or rate of fare charged or received for the transportation and conveyance of any such passenger or passengers with his or their luggage.

§ 3. It shall not be lawful for any person or persons to demand or receive, or bargain for the receipt of any greater or higher price or rate of fare for the transportation and conveyance of any such immigrant, second-class, steerage or deck passengers with their luggage, or either, from either or any of the points or places in the first section of this act mentioned, to any other point or place, then the prices or rates contained in the statements which shall be delivered to the mayors of the cities of New York, Albany, Troy and Buffalo, and said commissioners, respectively, as in the said first section provided for, or the price or rates which shall be established and fixed for the transportation and conveyance of such passengers and their luggage, or either by the proprietors or agents of the line or lines, or means of conveyance, by which such passenger or passengers and their luggage are to be transported or conveyed. In all cases each immigrant over four years of age conveyed by railroad shall be furnished with a seat with permanent back to the same, and when conveyed by steamboat, propeller or canal boat, shall be allowed at least two and one-half feet square in the clear on deck. Such deck shall be covered and made water tight overhead, and shall be properly protected at the outside, either by curtains or partitions, and shall be properly ventilated.

§ 4. Any company, association, person or persons violating or neglecting to comply with any of the provisions of the first or second sections of this act shall be liable to a penalty of two hundred and fifty dollars for each and every offense, to be sued for and recovered in the name of the people of this state. * * *

CHAP. 228, LAWS OF 1857.

AN ACT in relation to the payment of fare upon the New York Central Railroad.

SECTION 1. The New York Central Railroad Company, at every station on its road where a ticket office is now or may hereafter be established, shall keep the same open for the sale of tickets at least one hour prior to the departure of each passenger from such station; but nothing herein contained shall require said company to keep such office open between nine o'clock P. M. and five o'clock A. M., except at Albany, Schenectady, Utica, Syracuse, Rochester, Buffalo and Suspension Bridge, which shall be kept open as hereinbefore required between five o'clock A. M. and eleven o'clock P. M.

§ 2. If any person shall at any station, where a ticket office is established and open, enter the cars of said company, as a passenger thereon, without having first purchased a ticket for that purpose, it shall be lawful for the said company to demand and receive from such person a sum not exceeding five cents in addition to the usual rate of fare for the distance such person may desire to be transported.

As to the general subject of taxation of real estate, etc., see chapter 12, part of 1, Revised Statutes. Also, chap. 411, Laws of 1885.

CHAP. 686, LAWS OF 1892.

AN ACT in relation to counties, constituting chapter eighteen of the general laws.

§ 53. Statement of railroad, telegraph, telephone and electric-light taxes.—The clerk shall, within five days after the making out, or issuing of the annual tax-warrant by the board of supervisors, prepare and deliver to the county treasurer of his county, a statement showing the title of all railroad corporations and telegraph, telephone and electric-light lines in such county, as appear on the last assessment-roll of the towns or cities therein, the valuation of the property, real and personal, of such corporation and line in each town or city, and the amount of tax assessed or levied on such valuation in each town or city in his county.

CHAP. 506, LAWS OF 1870.

AN ACT to facilitate the payment of taxes by railroad companies.

(Section one repealed by section 53, chap. 686, Laws of 1892.)

§ 2. Railroad companies may pay tax to county treasurer; fees of treasurer.—Any railroad company heretofore organized under the laws of this state, or that may be hereafter organized, may, within thirty days after the receipt of such statement by the county treasurer, pay the amount of tax so assessed or levied on their property, with one per cent fees on said tax, to the county treasurer, who is hereby authorized and directed to receive such amounts and to give proper receipt therefor.

§ 3. County treasurer to notify collector of non-payment of tax; duty of collector.—In case any railroad company shall fail to pay such tax within said thirty days, it shall be the duty of the county treasurer to notify the collector of all towns or cities in their county in which said company is assessed, of such failure to pay said tax, and upon receipt of such notice it shall be the duty of such collector to collect said tax in the manner now provided by law, together with five per cent fees; but no town or city collector shall collect any tax levied or assessed upon the property of any railroad company in said county, by the supervisors of the county, until the receipt of such notice from the county treasurer.

§ 4. County treasurer to credit taxes; collector to be credited with fees; surplus to be paid to supervisor.— The several amounts of tax so received by the county treasurer of and from railroad companies shall be placed to the credit of the town or city for or on account of which the same was levied or assessed, and to the credit of the fund or funds to which the same is now or shall be hereafter pledged or appropriated by law, and the one per cent fees also paid shall be placed to the credit of the collector of said city or town; and in case such amounts shall exceed the sum due from said town or city, the surplus shall, on demand, be paid to the supervisor of said town or city, who shall receive, hold and disburse the same as if received from the collector of said town or city.

§ 5. Railroad company may pay tax collector; proviso.— Nothing in this act shall be construed to prevent any railroad company from paying their tax to the collector of towns or cities as now provided by law; nor shall the provisions of this act be construed to repeal or in any manner interfere with the provisions of chapter 907 of the Session Laws of 1869.

CHAP. 361, LAWS OF 1881.

AN ACT to amend chapter 542 of the Laws of 1880, entitled "An act to provide for raising taxes for the use of the state upon certain corporations, joint-stock companies and associations."

SECTION 1. Certain officers of company to make annual report to comptroller on or before fifteenth of November; where dividend not declared, stock to be estimated and declared; certificate to be sent comptroller; appeals.— Hereafter it shall be the duty of the president or treasurer of every association, corporation or joint-stock company liable to be taxed on its corporate franchise or business, as provided in section 3 of this act, to make report, in writing, to the comptroller annually, on or before the fifteenth day of November, stating specifically the amount of capital paid in, the date, amount and rate per centum of each and every dividend declared by their respective corporations, joint-stock companies or associations during the year ending with the first day of said month. In all cases where any such corporation, joint-stock company or association shall fail to make or declare any dividend upon either its common or preferred stock during the year ending as aforesaid, or in case the dividend or dividends made or declared upon either its common or preferred stock during the

year ending as aforesaid shall amount to less than six per centum upon the par value of the said common or preferred stock, the treasurer and secretary thereof, after being duly sworn or affirmed to do and perform the same with fidelity, according to the best of their knowledge and belief, shall, between the first and fifteenth days of November in each year, in which no dividend has been made or declared as aforesaid, or in which the dividend or dividends made or declared upon either its common or preferred stock amounted to less than six per centum upon the par value of said common or preferred stock, estimate and appraise the capital stock of said company upon which no dividend has been made or declared, or upon the par value of which the dividend or dividends made or declared amounted to less than six per centum, at its actual value in cash—not less, however, than the average price which said stock sold for during said year, and when the same shall have been so truly estimated and appraised, they shall forthwith forward to the comptroller a certificate thereof, accompanied by a copy of their said oath or affirmation, by them signed, and attested by the magistrate or other person qualified to administer the same, provided that if the comptroller is not satisfied with the valuation so made and returned, he is hereby authorized and empowered to make a valuation thereof, and to settle an account upon the valuation so made by him for the taxes, penalties and interest due the state thereon; and any association, corporation or joint-stock company dissatisfied with the account so settled may within ten days appeal therefrom to a board consisting of the secretary of state, attorney-general and state treasurer, which board, on such appeal, shall affirm or correct the account so settled by the comptroller, and the decision of said board shall be final; but such appeal shall not stay proceedings unless the full amount of the taxes, penalties and interest as due on said account, as settled by the comptroller, be deposited with the state treasurer.

§ 2. Comptroller to add ten per cent in case of failure to make report; proviso.— If the said officers of any such corporation, joint-stock company or association shall neglect or refuse to furnish the comptroller, on or before the fifteenth day of November of each and every year, with the report aforesaid, or the certificate of appraisement and oath or affirmation, as the case may be, as required by the first section of this act, or to pay the tax imposed on such corporation, company or association within fifteen days after the first of January, as provided in the fourth section of this act, it shall be the duty of the comptroller of the state to add ten per centum to the tax of said corporation, company or association for each and every year for which such

report or certificate of appraisalment and oath or affirmation were not so furnished, or for which such tax shall not have been paid, which percentage shall be assessed and collected with the said tax in the usual manner of assessing and collecting such taxes; provided, that if said officers of any such corporation, joint-stock company or association shall intentionally fail to comply with the provisions of the first or fourth section of this act for one year, the comptroller shall report the fact to the governor, who, if he shall be made satisfied that such failure was intentional, shall thereupon direct the attorney-general to take proceedings in the name of the people of this state, to declare the charter or privileges of said corporation, joint-stock company or association forfeited and at an end; and for such intentional failure duly found, the charter and privileges of every such corporation, company or association shall cease, end and be determined.

§ 3. Annual tax, how computed.—Every corporation, joint-stock company, or association whatever, now or hereafter incorporated, organized, or formed under, by, or pursuant to law in this state or in any other state or country, and doing business in this state, except only savings banks and institutions for savings, life insurance companies, banks, foreign insurance companies, manufacturing or mining corporations or companies wholly engaged in carrying on manufacture, or mining ores within this state, and agricultural and horticultural societies, associations or corporations, which exceptions, however, shall not include gas companies, trust companies, electric or steam heating, lighting and power companies, shall be liable to and shall pay a tax, as a tax upon its franchise or business, into the state treasury annually, to be computed as follows: If the dividend or dividends made or declared by such corporation, joint-stock company or association, during any year ending with the first day of November, amount to six or more than six per centum upon the par value of its capital stocks, then the tax to be at the rate of one-quarter mill upon the capital stock for each one per centum of dividends so made or declared; or if no dividend be made or declared, or if the dividend or dividends made or declared do not amount to six per centum upon the par value of said capital stock, then the tax to be at the rate of one and one-half mills upon each dollar of the valuation of the said capital stock, made in accordance with the provisions of the first section of this act; and in case any such corporation, joint-stock company or association shall have more than one kind of capital stock, as, for instance, common and preferred stock, and upon one of said stocks as dividend or dividends, amounting to six or more than six per centum upon the par value thereof, has been made

or declared, and upon the other no dividend has been made or declared, or the dividend or dividends made or declared thereon amounting to less than six per centum upon the par value thereof, then the tax shall be at the rate of one-quarter mill for each one per centum of dividends made or declared upon the capital stock upon the par value of which the dividend or dividends made or declared amount to six or more than six per centum, and in addition thereto, tax shall be charged at the rate of one and one-half mills upon each dollar of a valuation, made also in accordance with the provisions of this act, of the capital stock upon which no dividend was made or declared, or upon the par value of which the dividend or dividends made or declared did not amount to six per centum. (*Thus amended, Laws of 1890, chap. 522.*)

§ 4. **When payable.**—It shall be the duty of the treasurer or other officer having charge of any corporation, joint-stock company or association, upon which a tax is imposed by either of the preceding sections of this act, to transmit the amount of said tax to the treasury of the state within fifteen days after the first day of January in each and every year.

§ 5. **Relates only to insurance companies.**

§ 6. **Tax on railroad, steamboat and other companies; rate of tax.**—In addition to the taxes above provided for, every corporation formed for railroad, canal, steamboat, ferry, express, navigation or transportation purposes, and every elevated railway company, and every other corporation, joint-stock company or association now or hereafter incorporated or organized by or under any law of this state, or now or hereafter incorporated or organized by or under the laws of any other state or country, and doing business in this state, and owning, operating or leasing to or from another corporation, joint-stock company or association, any railroad, canal, steamboat, ferry, express, navigation, pipe-line or transportation route or line or elevated railway or other device for the transportation of freight or passengers, or in any way engaged in the business of transporting freights or passengers, and every telegraph company or telephone company incorporated under the laws of this or any other state, and doing business in this state, and every express company or association, palace car or sleeping car company or association, incorporated or unincorporated, doing business in this state, shall pay to the state treasurer for the use of the state, as a tax upon its corporate franchise or business in this state, a tax at the rate of five-tenths of one per centum upon the gross earnings in this state of said corporation or company or association, for tolls,

transportation, telegraph, telephone or express business transacted in this state.

§ 7. When payable ; report of gross earnings ; report for six months ending June 30, 1881 ; ten per cent to be added in case of neglect.— The tax imposed under section 6 of this act shall, after the 1st day of August, 1881, be paid annually on the first day of August of each year. It shall be the duty of the president, secretary or other proper officer of the corporations, joint-stock companies or associations referred to in section 6 of this act to transmit to the comptroller, on the first day of August in each year, a statement under oath or affirmation of the amount of the gross earnings of said associations, corporations or joint-stock companies derived from all sources during the year ending with the preceding thirtieth day of June, together with the amount of tax imposed thereon, by section 6. And it shall also be the duty of the president, secretary or other proper officer of the corporations, joint-stock companies or associations referred to in section 6 of this act to transmit to the comptroller on the 1st day of August, 1881, a statement, under oath or affirmation, of the amount of the gross earnings of the said associations, corporations or joint-stock companies derived from all sources during the six months ending with the 30th day of June, 1881, together with the tax imposed thereon by section 6 of this act. And if any such corporation, joint-stock company or association shall neglect or refuse for a period of thirty days after any tax imposed by sections 6 or 7 of this act becomes due, to make returns or to pay the same, the amount thereof, with the addition of ten per centum thereto, shall be collected for the use of the state as other taxes are recoverable by law from such corporation, joint-stock company or association.

§ 8. Exempt from taxation for state purposes ; proviso.— The corporations, joint-stock companies and associations mentioned in this act as taxable shall hereafter be exempt from assessment and taxation for state purposes, except upon their real estate and as herein provided ; but they shall in all other respects be liable to assessment and taxation as heretofore.

§ 9. Tax, application of.— The taxes imposed by this act, and the revenue derived therefrom, shall be applicable to the payment of the ordinary and current expenses of the state, and if any corporation, joint-stock company, person, partnership or association shall neglect or refuse to pay any tax by this act required to be paid, the same may be

sued for in the name of the people of the state, and recovered in any court of competent jurisdiction, in an action to be brought by the attorney-general at the instance of the comptroller.

§ 10. **Saving section.**—All obligations, liabilities and taxes heretofore incurred or imposed under said act, chapter 542 of Laws of 1880, are saved and shall be enforced as if the said act had not been hereby amended.

§ 11. **Amount of capital stock employed in this state to be basis of tax; if dissatisfied, comptroller may fix amount.**—The amount of capital stock which shall be the basis for tax under the provisions of section three of this act, in the case of every corporation, joint-stock company and association liable to taxation thereunder, shall be the amount of capital stock employed within this state. In making to the comptroller the report in writing or certificate of estimate and appraisal of the capital stock of such corporation, joint-stock company or association, provided for by the first section of this act, it shall be the duty of the president or treasurer thereof, as the case may be, to state, specifically, the amount of capital stock employed within this state of such corporation, joint-stock company or association. Whenever the comptroller is dissatisfied with such report or certificate of estimate and appraisal, as the case may be, of any corporation, joint-stock company or association, whose capital is only partially employed within this state, he is authorized and empowered to ascertain, fix and determine the amount of capital employed within this state, and so settle an account for the taxes and penalties due the state thereon. The gross earnings in this state, which shall be the basis of taxation, under the provisions of section six of this act, shall be the gross earnings derived from business originating and terminating within this state, and shall in no event include earnings derived from business which is of an interstate character, and all settlements for such taxes heretofore based by the comptroller upon gross earnings, excluding earnings from interstate business, are hereby ratified and confirmed, except that the accounts for taxation under section six of this act for the years eighteen hundred and ninety-two and eighteen hundred and ninety-three shall be settled and adjusted by the comptroller by excluding the earnings of an interstate character as herein provided. (*Thus amended by chap. 562, Laws 1894.*)

§ 12. **In case of failure to make report, comptroller may examine books and records, and make report.**—Whenever any corporation, joint-stock company or association liable to make reports or certificates of estimate and appraisal to the comptroller, under any of the provisions of this act, shall neglect or refuse to make such report or reports within the time prescribed in this act, or shall make such report or certificate as shall be unsatisfactory to the comptroller, the comptroller is authorized to examine or cause to be examined, the books and records of any such corporation, joint-stock company or association, and to fix and determine the amount of tax and penalty due in pursuance of the provisions of this act, either from the said books and records, or from any other data in his possession which shall be satisfactory to him, and to settle and account for said tax and

penalty, together with the expenses of such examination, against said corporation, joint-stock company or association. (*Added by chap. 501, Laws of 1885.*)

§ 13. Comptroller may issue subpoenas and examine witnesses; penalty for failure to obey subpoena. — Whenever the comptroller shall deem it necessary or important to examine any person as a witness upon any subject or matter relating to the amount of capital stock of such corporation, or to use, examine or inspect any book, account, voucher or document in possession of any officer of such corporation, or other person, or under his control, relating to such capital stock and tax, he shall have the power to issue a subpoena in proper form, commanding such person or officer to appear before him or some person designated as commissioner by him by an appointment in writing, filed in the office of such comptroller, at a time and at the place where the principal office of such corporation is situated within this state in such subpoena specified, to be examined as a witness, and such subpoena may contain a clause requiring such person or officer to produce on such examination all books, papers and documents in his possession or under his control, relating to the capital stock of such corporation and the amount thereof employed within this state. Such subpoena shall be served upon the person named by showing him the original subpoena and delivering to and leaving with him at the same time a copy thereof. The comptroller or the commissioner so designated by him as aforesaid may administer oaths to such persons as he may desire to examine, so brought before him by subpoena or otherwise, and examine them on oath in relation to any matter which may in any wise be material in determining the amount of the tax to be paid by any such corporation, joint-stock company or association as aforesaid. Whenever any person duly subpoenaed to appear and give evidence as aforesaid, or to produce any books and papers as hereinbefore provided, shall neglect or refuse to appear or to produce such books and papers according to the exigency of such subpoena, or shall refuse to testify before said comptroller or the commissioner so designated by him, or to answer any proper or pertinent question, he shall be deemed in contempt, and thereupon any justice of the supreme court of the judicial district within which the principal office of such corporation within this state is situated shall, upon the motion of the comptroller, based upon affidavit showing the commission of the offense, either, first, make an order requiring the accused to show cause before him, at a time and place specified therein, why the accused should not be punished for the alleged offense; or, second, issue a warrant of

attachment directed to the sheriff of a particular county, or generally directed to the sheriff of any county where the man may be found, commanding him to bring him before said justice either forthwith or at a time and place therein specified to answer for the alleged offense. On the return of said attachment and the production of the body of the defendant therein the said justice shall have jurisdiction in the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed and the same punishments inflicted as in the case of a witness subpoenaed to appear and give evidence as is prescribed in title three, chapter seventeen of the Code of Civil Procedure, in proceedings to punish a contempt of court other than a criminal contempt. (*Added by chap. 501, Laws of 1885.*)

§ 14. Comptroller to settle and adjust all accounts against corporations, for taxes and penalties since May 12, 1882; proviso as to payments made before August 1, 1885.—The comptroller is hereby authorized and directed, upon application to him made by any corporation, joint-stock company or association, to make, settle and adjust all accounts against such corporation, joint-stock company or association, for all taxes and penalties arising under the third section of this act since the 12th day of May, A. D. 1882, by taking as a basis for taxation the capital employed within the state by such corporation, joint-stock company or association. Provided, however, that such corporation, joint-stock company or association shall not be entitled to the benefits of a settlement upon such basis unless it shall have secured such adjustment and paid into the treasury the full amount of taxes so settled, before the first day of August, 1885, nor shall this section apply to the case of any tax for which suit shall have been heretofore brought by the attorney-general, in which suit the trial has been commenced, or in which judgment shall have been entered heretofore for the people for the amount of said tax. Any corporation, joint-stock company or association whose capital has heretofore been only partially employed within this state, and which is now liable for taxes arising under the third section of this act since the 12th day of May, A. D. 1882, and which are still due and unpaid, may, at any time prior to the 1st day of August, 1885, pay to the state treasurer for the use of the state, in full discharge of the same, such sum of money as shall be fixed by the comptroller as the tax due for the said period by the said corporation, joint-stock company or association, upon the basis of the capital employed within the state. Provided, that this section shall not apply to the case of any tax for which suit

may have heretofore been brought by the attorney-general, and for which judgment shall have been entered therein, or if in such suit trial has been commenced. (*Added by chap. 501, Laws of 1885.*)

§ 15. Interest.— All accounts hereafter settled by the comptroller agreeably to the provisions of this act shall bear interest from a date thirty days after the sending of notice of settlement hereinafter provided for, until full payment thereof shall be made. (*Added by chap. 501, Laws of 1885.*)

§ 16. Comptroller to give notice before making Settlement of taxes.— It shall be the duty of the comptroller after making with any partnership, corporation, joint-stock company or association liable to taxation under any of the provisions of this act, the settlement of such taxes, to forthwith send notice hereof, in writing, to such person, partnership, corporation, joint-stock company or association, which notice may be sent by mail to the post-office address of such corporation, joint-stock company or association. (*Added by chap. 501, Laws of 1885.*)

§ 17. Provisions in relation to review of comptroller ; determination by writ of certiorari.— No writ of certiorari to review the determination and settlement of the comptroller as to the amount of capital used within the state by any corporation, joint-stock company or association, and as to the tax and penalty to be paid thereon, shall be granted, except application therefor be made within thirty days after service upon such corporation, joint-stock company or association by the comptroller of notice of such settlement. Nor shall any such writ be granted except the papers upon which motion therefor is to be made, including notice of motion, shall have been served upon the comptroller at least eight days before such motion, nor unless the corporation, joint-stock company or association applying for such writ shall, before making such motion, deposit with the state treasurer the full amount of taxes, penalties and charges so settled and adjusted by the comptroller, and file with him an undertaking in such amount and with sufficient sureties as shall be approved by one of the justices of the supreme court of this state, to the effect that if said writ be vacated and the determination of the comptroller sustained, the applicant for the writ will make payment of all costs and charges which may accrue against such applicant in the prosecution of such writ, including costs on all appeals. (*Added by chap. 501, Laws of 1885.*)

§ 18. Comptroller may issue warrant for collection after thirty days.— After the expiration of thirty days from the service by the comptroller of notice of settlement aforesaid, if no proceedings shall have been taken to review the same, as provided by this act, or if the deposit with the state treasurer of the amount of the said settlement, together with the undertaking, as provided for by this act, shall not then have been made, it shall be lawful for the comptroller to issue his warrant or warrants under his hand and seal of office directed to the sheriff of any county in this state, commanding him to levy upon and sell the goods and chattels, lands and tenements of the said corporations, joint-stock company or association found within said county, for the payment of the amount of said settlement, together with interest thereon and costs of executing said warrant, and to return the said warrant to the comptroller, and pay to the state treasurer the money which shall be collected by virtue thereof, by a certain time therein specified, not less than sixty days from the date of such warrant. Such warrant shall be a lien upon and shall bind the personal estate of the person, partnership, corporation, joint-stock company or association against whom it shall be issued, from the time an actual levy shall be made by virtue thereof, and the sheriff to whom such warrant shall be directed shall proceed upon the same in all respects with the like effect and in the same manner as prescribed by law in respect to executions issued against property upon judgments rendered by a court of record, and shall be entitled to the same fees and costs for his services in executing the same, to be collected in the same manner. (*Added by chap. 501, Law of 1885.*)

§ 19. Readjustment of accounts in cases of illegal payment of taxes.— The comptroller may at any time revise and readjust any account theretofore settled against any person, association, corporation, or joint-stock company by himself or any preceding comptroller for taxes arising under this act or the act to which it is an amendment, whenever it shall be made to appear by evidence submitted to him that the same has been illegally paid or so made as to include taxes which could not have been lawfully demanded and shall resettle the same according to law and the facts and charge or credit, as the case may require, the difference, if any, resulting from such revision and resettlement upon the current accounts of such person, association, corporation or joint-stock company. (*Added by chap. 463, Laws of 1889.*)

§ 20. Comptroller's action may be reviewed by certiorari; appeals from determination.— The action of the comptroller, upon any application made to him by any person or corporation for a revision and resettlement of accounts as provided in this act, may be reviewed, both upon the law and the facts upon certiorari by the supreme court at the instance either of the party making such application or of the attorney-general in the name and in behalf of the people of this state, and for that purpose the comptroller shall return to such certiorari the accounts and all the evidence submitted to him on such application, and, if the original or resettled accounts shall be found erroneous or illegal by this court, either in point of law or of fact, the said accounts shall be there corrected and restated by the said supreme court and from any such determination of the supreme court an appeal may be taken by either party to the Court of Appeals as in other cases. (*Added by chap. 463, Laws of 1889.*)

(The provisions of §§ 19 and 20 not to apply to any taxes heretofore paid by any person or corporation in pursuance of a judgment or order of a court or by virtue of any stipulation.)

CHAP. 143, LAWS OF 1886.

AN ACT to tax stock corporations for the privilege of organization.

SECTION 1. Every corporation, joint-stock company or association incorporated by or under any general or special law of this state, having capital stock divided into shares, shall pay to the state treasurer, for the use of the state a tax of one-eighth of one per centum upon the amount of the capital stock which said corporation, joint-stock company or association is authorized to have, and a like tax upon any subsequent increase thereof. The said tax shall be due and payable upon the incorporation of said corporation, joint-stock company or association, or upon the increase of the capital thereof; and no such corporation, joint-stock company or association shall have or exercise any corporate powers until the said tax shall have been paid. And the secretary of state and any county clerk shall not file any certificate of incorporation or articles of association or certify or give any certificate to any such corporation, joint-stock company or association, until he is satisfied, that the said tax has been paid to the state treasurer; and no such company, incorporated by any special act of the legislature shall go into operation or exercise any corporate powers or privileges until said tax has been paid as aforesaid. But this act shall not apply to literary, scientific, medical and religious corporations, or corporations organized

under the banking laws of this state or under chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-one, entitled "An act for incorporation of building, mutual loan and accumulating fund associations," and the acts amendatory thereof. In case of the consolidation of two corporations into a new corporation said new corporation shall be required to pay the tax hereinbefore provided for only upon the amount of its capital stock in excess of the aggregate amount of capital stock of said two corporations. (*Thus amended by chap. 668, Laws of 1892.*)

§ 2. **Applicable to general fund.**—The taxes imposed by this act and the revenue derived therefrom, shall be applicable to the general fund and for the payment of those claims and demands which shall constitute a lawful charge upon that fund.

CHAP. 266, LAWS OF 1886.

AN ACT to provide for the more certain recovery of state taxes from delinquent associations, corporations and joint-stock companies.

SECTION 1. **Recovery of delinquent taxes; provisions as to prosecution of suits for such taxes.**—For the better enforcement of chapter five hundred and forty-two of the Laws of eighteen hundred and eighty and the acts amendatory thereof, it shall be lawful for any person having knowledge of the evasion of taxation under said acts by any association, corporation or joint-stock company liable to taxation thereunder, to report such fact to the comptroller, together with such information as may be in his possession as may lead to the recovery of such taxes from said association, corporation or joint-stock company, and whenever in the opinion of the attorney-general or comptroller the interests of the state require it, either of them is hereby authorized to employ such persons so reporting such evasion to assist in the collection and preparation of evidence and in the prosecution and trial of suits for such taxes; and so much of the sum collected from such delinquent association, corporation or joint-stock company, by reason of such report or such service, as shall be agreed upon by such person and the attorney-general or comptroller as a compensation therefor, shall be paid to such person, provided that the sum so paid shall not exceed ten per centum of the amount so collected; and provided further, that nothing whatever shall be paid to such person for such purpose unless there shall be a recovery of taxes from such delinquent association, corporation or joint-stock company by reason of such report or such services.

CHAP. 675, LAWS OF 1881.

AN ACT to facilitate the payment of school taxes by railroad companies.

SECTION 1. Duty of school collector to deliver to county treasurer certain statement; duty of county treasurer in the premises.—It shall be the duty of the school collector in each school district in this state, except in the counties of New York, Kings and Cattaraugus, within five days after the receipt by such collector of any and every tax or assessment-roll of his district, to prepare and deliver to the county treasurer of the county in which such district, or the greater part thereof, is situated, a statement showing the name of each railroad company appearing in said roll, the assessment against each of said companies for real and personal property respectively, and the tax against each of said companies. It shall thereupon be the duty of such county treasurer, immediately after the receipt by him of such statement from such school collector, to notify the ticket agent of any such railroad company assessed for taxes at the station nearest to the office of such county treasurer, personally or by mail, of the fact that such statement has been filed with him by such collector, at the same time specifying the amount of tax to be paid by such railroad company. (*Thus amended, Laws of 1885, chap. 533.*)

§ 2. Time in which tax may be paid with one per cent fees.—Any railroad company hereafter organized, or which may hereafter be organized, under the laws of this state, may, within thirty days after the receipt of such statement by such county treasurer, pay the amount of tax so levied or assessed against it in such district and in such statement mentioned and contained, with one per centum fees thereon, to such county treasurer, who is hereby authorized and directed to receive such amount and to give proper receipt therefor.

§ 3. If tax not paid within thirty days, duty of collector to collect; limitation.—In case any railroad company shall fail to pay such tax within said thirty days, it shall be the duty of such county treasurer to notify the collector of the school district in which such delinquent railroad company is assessed, of its failure to pay said tax, and upon receipt of such notice it shall be the duty of such collector to collect such unpaid tax in the manner now provided by law, together with five per centum fees thereon; but no school collector shall collect by distress

and sale any tax levied or assessed in his district upon the property of any railroad company, until the receipt by him of such notice from the county treasurer.

§ 4. Tax to be placed to credit of school district, paid to collector on demand, fees to go to collector on demand — The several amounts of tax received by any county treasurer in this state under the provisions of this act, of and from railroad companies shall be by such county treasurer placed to the credit of the school district for or on account of which the same was levied or assessed, and on demand paid over to the school collector thereof, and the one per centum fees received therewith shall be placed to the credit of, and on demand paid to, the school collector of such school district.

§ 5. Tax may be paid to collector direct.— Nothing in this act contained shall be construed to hinder, prevent or prohibit any railroad company from paying its school tax to the school collector direct, as now provided by law.

CHAP. 694, LAWS OF 1867.

AN ACT in relation to the valuation of the property of railroad companies in school districts, for the purpose of taxation.

SECTION 1. Duty of town assessors.— It shall be the duty of the town assessors, within fifteen days after the completion of their annual assessment-list, to apportion the valuation of the property of each and every railroad, telegraph, telephone and pipe-line company as appears on such assessment-list, among the several school districts in their town, in which any portion of said property is situated, giving to each of said districts their proper portion, according to the proportion that the value of said property in each of such districts bears to the value of the whole thereof in said town. (*Thus amended by chap. 414, Laws of 1884.*)

§ 2. Apportionment.— Such apportionment shall be in writing, and shall be signed by said assessors, or a majority of them, and shall set forth the number of each district and the amount of the valuation of the property of each railroad, telegraph, telephone and pipe-line companies apportioned to each of said districts; and such apportionment shall be filed with the town clerk, by said assessors, or one of them, within five days after being made; and the amount so apportioned to each district shall be the valuation of the property of each of said companies,

on which all taxes against said companies in and for said districts shall be levied and assessed, until the next annual assessment and apportionment. (*Thus amended by chap. 414, Laws of 1884.*)

§ 3. When assessors neglect to make apportionment.—In case the assessors shall neglect to make such apportionment, it shall be the duty of the supervisor of the town on the application of the trustees or board of education of any district, or of any railroad, telegraph, telephone and pipe-line company, to make such apportionment, in the same manner and with the like effect as if made by said assessors. (*Thus amended by chap. 340, Laws of 1885.*)

§ 4. Town clerk to furnish certified statement when requested.—The town clerk shall, whenever requested, furnish to the trustees or board of education of each district a certified statement of the amounts apportioned to each district, and the name of the company to which the same relates.

§ 5. When alteration is made in school district.—In case any alteration shall be made in any school district, affecting the property of any railroad, telegraph, telephone or pipe-line company, the officer making such alteration shall, at the same time determine what change in the valuation of the said property in such districts would be just, on account of the alteration of district, and the valuation shall be accordingly changed. (*Thus amended by chap. 340, Laws of 1885.*)

BONDING OF TOWNS, AND RAILROAD AID DEBTS.

Several statutes of this state relative to the bonding of towns, etc., are omitted, because by article VIII, section 11 of the Constitution of the State of New York, adopted November 3, 1874, and November 4, 1884, they are practically abrogated as to any future application, and remain as applying only to the time prior to the adoption of said constitutional amendment. These acts are as follows: Chap. 695, Laws of 1866; chap. 907, Laws of 1869; chaps. 300, 438, 507, 597, Laws of 1870; chaps. 64, 146, 260, 283, 388, 925, Laws of 1871; chaps. 54, 62, 307, 516, 689, 824, 883, Laws of 1872; chap. 720, Laws of 1873; chap. 328, Laws of 1875; chap. 320, Laws of 1877; chap. 62, Laws of 1879; chaps. 68, 293, Laws of 1882. In connection with this subject, see, however, chap. 685, Laws of 1892, known as the "general municipal law," portions of which are herein given.

Article VIII, sec. 11, Constitution of the State of New York.

No county, city, town or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become directly or indirectly the owners of stock in or bonds of any association or corporation, nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county containing a city of over one hundred thousand inhabitants, or any such city, shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No such county or such city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation shall be

allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water, but the term of the bonds issued to provide for the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

CHAP. 466, LAWS OF 1893.

AN ACT to amend the general municipal law.

§ 7. **Funded and bonded debts.**—The bonded indebtedness of a municipal corporation, including interest due or unpaid, or any part thereof, may be paid up or retired by the issue of new substituted bonds for like amounts by the board of supervisors or supervisor, board, council or officers having in charge the payment of such bonds. Such new bonds shall only be issued when the existing bonds can be retired by the substitution of the new bonds therefor, or can be paid up by money realized by the sale of such new bonds. Where such bonded indebtedness shall become due within two years from the issue of such new bonds, such new bonds may be issued and sold to provide money in advance to pay up such existing bonds when they shall become due. Such new bonds shall contain a recital that they are issued pursuant to this section, which recital* shall be conclusive evidence of their validity and of the regularity of the issue; shall be made payable not less than one or more than thirty years from their date; shall bear date and draw interest from the date of the payment of the existing bonds, or the receipt of the money to pay the same, at

* So in the original.

not exceeding the rate of four per centum per annum, payable quarterly, semi-annually or annually; and an amount equal to not less than two per centum of the whole amount of such new bonds shall be payable each year after the issue thereof. Such new bonds shall be sold and negotiated at the best price obtainable, not less than their par value; shall be valid and binding on the municipal corporation issuing them; and until payable shall be exempt from taxation for town, county, municipal or state purposes. All bonds and coupons retired or paid shall be immediately canceled. A certificate shall be issued by the officer, board or body issuing such new bonds, stating the amount of existing bonds, and of the new bonds so issued, which shall be forthwith filed in the office of the county clerk. Except as provided in this section, new bonds shall not be issued in pursuance thereof, for bonds of a municipal corporation adjudged invalid by the final judgment of a competent court. A majority of the taxpayers of a town, voting at a general town meeting, or special town meeting duly called, may authorize the issue in pursuance of this section of new bonds for such invalid bonds, and each new bond so issued shall contain substantially the following recital: "The issue of this bond is duly authorized by a vote of the taxpayers of the said town;" which shall be conclusive evidence of such fact. The payment, adjustment or compromise of a part of the bonded indebtedness of a municipal corporation shall not be deemed an admission of the validity or a recognition of any part of the bonded indebtedness of such municipal corporation not paid, adjusted or compromised.

§ 12. **Municipal taxes of railroads payable to the county treasurer.**—If a town, village or city has outstanding unpaid bonds, issued, or substituted for bonds issued, to aid in the construction of a railroad therein, so much of all taxes as shall be necessary to take up such bonds, except school district and highway taxes, collected on the assessed valuation of such railroad in such municipal corporation, shall be paid over to the treasurer of the county in which the municipal corporation is located. Such treasurer shall purchase with such moneys of any town, village or city, such bonds, when they can be purchased at or below par, and shall immediately cancel them in the presence of the county judge. If such bonds can not be purchased at or below par, such treasurer shall invest such money in the bonds of the United States, of the state of New York, or of any town or village or city of such state, issued pursuant to law; and shall hold such bonds as a sinking fund for the redemption and

payment of such outstanding railroad aid bonds. If a county treasurer shall unreasonably neglect to comply with this section, any taxpayer of the town, village or city having so issued its bonds may apply to the county judge of the county in which such municipal corporation is situated, for an order compelling such treasurer to execute the provisions of this section. The county treasurer of any county in which one or more towns therein shall have issued bonds for railroad purposes, shall, when directed by the board of supervisors or county judge of the county, execute and file in the office of the county clerk an undertaking, with not less than two sureties, approved by such board or judge, to the effect that he will faithfully perform his duties pursuant to this section. The annual report of a county treasurer shall fully state, under the head of "railroad sinking fund," the name and character of all such investments made by him or his predecessors, and the condition of such fund.

§ 13. Abolition of office of railroad commissioners.—The board of supervisors of any county may, upon the application of the auditing board of any municipal corporation therein by resolution, abolish the office of railroad commissioners of such municipal corporation, and direct the manner of the transfer of their duties to the supervisor of the town, or the treasurer of the municipal corporation other than a town, and upon his compliance with such directions, such transferee shall be vested with all the powers conferred upon such railroad commissioners and subject to all the duties imposed upon them.

§ 14. Appointment of railroad commissioners.—The county judge of any county within which is a municipal corporation having or being entitled to have railroad commissioners, when this chapter shall take effect, and in which the duties imposed upon such commissioners are not fully performed, shall continue to appoint and commission, upon the application of twenty freeholders within such corporation, three persons, who shall be freeholders and resident taxpayers therein, commissioners for the purpose of performing the duties and completing the business required of them pursuant to this chapter or any law. Such commissioners shall hold their office for five years, and until others are appointed by the county judge, unless their duties shall be sooner performed, or the office shall be abolished, who shall also in like manner, fill any vacancies that may exist therein. Such commissioners shall each receive the sum of three dollars per day for each day actually engaged in the discharge of their duties, and the necessary disbursements to be audited and paid by the usual auditing and disbursing officers of such municipal corporations. A majority of such commissioners, at a meeting of which all have notice, shall constitute a quorum.

§ 15. Oath and undertaking of commissioners.—Before entering upon their duties such commissioners shall take the constitutional oath of office, and make and file with the county clerk of their county, their joint and several undertaking, with two or more sureties to be approved by the county judge of their county, to the effect that they will faithfully discharge their duties as such commissioners, and truly keep, pay over and account for all moneys belonging to such corporation coming into their hands.

§ 16. Exchange or sale of railroad stock and bonds.—The commissioners or officers of a municipal corporation, having the lawful charge and control of any railroad stock or bonds, for or in payment of which the bonds of such municipal corporation have been lawfully issued in aid of such railroad corporation, may exchange the stocks or bonds of such railroad corporation for and in payment of such bonds, or the new substituted bonds of such municipal corporation, when such exchange can be made for not less than the par value of the stocks or bonds so held by them. If they can not make such exchange they may sell such stock or bonds at not less than par; but they may, on the application and with the approval of the governing board of the municipal corporation, owning such stock and bonds, exchange, sell or dispose of such stock or bonds, at the best price and upon the best terms obtainable for the municipal corporation they represent, and shall execute to the purchaser the necessary transfers therefor, all moneys received for any stock or bonds shall only be applied to the payment and extinguishment of the bonds of the municipal corporation, lawfully issued in aid of any such railroad, or substituted therefor, except that if the bonds so issued or substituted have all been paid, or the moneys so realized shall be more than sufficient to pay them in full, and all the costs and expenses of the sale, such proceeds or balance thereof shall be paid by the officers making the sale, to the supervisor of the town, or the treasurer of the municipal corporation, and applied to such lawful uses as the governing board of the municipal corporation entitled to the same, may direct.

§ 17. Annual report of commissioners and payment of bonds.—The commissioners of a municipal corporation, having in charge the moneys received and collected, and who are responsible for the payment of the interest of the bonds lawfully issued by such municipal corporation, in aid of railroads, shall annually report to the governing board of the municipal corporation, the total amount of the municipal indebtedness of the municipal corporation they represent, upon such bonds or such new bonds substituted therefor, the date of the bonds and when payable, the rate of interest thereon, the acts under

which they were issued, the amount of principal and interest that will become due thereon before the next annual tax levy and collection of taxes for the next succeeding year, and the amount in their hands applicable to the payment of the principal or interest thereon. Each year such governing board shall levy and collect of the municipal corporation sufficient money to pay such principal and interest, as the same shall become due and payable. When collected, such moneys, with the unpaid sums on hand, shall be forthwith paid over to such commissioners, and applied by them to the purposes for which collected or held. When paid, such bonds shall be presented by such commissioners to the governing board of the municipal corporation, at least five days before the annual town meeting, village or city election, or meeting of the board of supervisors, next thereafter held, who shall cancel the same, and make and file a record thereof in the clerk's office of the municipal corporation, whose bonds were so paid or canceled.

§ 18. Accounts and loans by commissioners.—Such commissioners shall present to the auditing board of the municipal corporation they represent, at each annual meeting of such board, a written statement or report, showing all their receipts and expenditures, with vouchers. They shall also loan on proper security or collaterals, or deposit in some solvent bank, or banking institutions, at the best rate of interest they can obtain, or invest in the bonds of the municipal corporation they represent, or in the bonds of the state, or of any town, village, city or county therein, issued pursuant to law, or in the bonds of the United States, all moneys that shall come into their hands by virtue of their office, and not needed for current liabilities; and all earnings, profits or interest accruing from such loans, deposits or investments, shall be credited to the municipal corporation they represent, and accounted for in their annual settlement with the governing board thereof.

§ 19. Reissue of lost or destroyed bonds.—When any bonds lawfully issued by a municipal corporation in aid of any railroad, or in substitution for bonds so issued, shall be lost or destroyed, such commissioners may issue new bonds in the place of the ones so lost or destroyed, at the same rate of interest, and to become payable at the same time, upon the owner furnishing satisfactory proof, by affidavit, of such ownership, and loss or destruction, and a written indemnity, with at least two sureties, approved as to form and sufficiency by the county judge of the county in which such municipal corporation is situated. Every new bond so issued shall state upon its face the number and denomination of the bond for which it is issued, that it is issued in the place of such bond claimed to have been lost or destroyed, that it is issued as a duplicate thereof, and that but one is to be paid. Such affidavit and indemnity, duly indorsed, shall be immediately filed in the county clerk's office.

THE CODE OF CRIMINAL PROCEDURE OF THE STATE OF NEW YORK.

SECTIONS APPLICABLE TO RAILROAD COMPANIES.

SECTION 1. Court of special sessions, jurisdiction of.—Section fifty-six of the Code of Criminal Procedure is hereby amended so as to read as follows:

§ 56. Subject to the power of removal provided for in this chapter, courts of special sessions, except in the city and county of New York and the city of Albany, have in the first instance exclusive jurisdiction to hear and determine charges of misdemeanors committed within their respective counties, as follows:

* * * * *

9. Intoxication of a person engaged in running any locomotive engine upon any railroad, or while acting as a conductor of a car, or train of cars, on any such railroad, or a misdemeanor committed by any person on a railroad car or train. (*Thus amended, Laws of 1890, chap. 521.*)

See, also, chaps. 150 and 570, Laws of 1893.

* * * * *

23. Unlawfully frequenting or attending a steamboat landing, railroad depot, church, banking institution, broker's office, place of public amusement, auction room, store, auction sale at private residence, passenger car, hotel, restaurant, or any other gathering of people. (*Thus amended, Laws 1886, chap. 28.*)

See, also, chaps. 150 and 570, Laws of 1893.

§ 137. Of crime committed in the state on board any railway train, etc.—When a crime is committed in this state, in or on board of any railway engine, train or car, making a passage or trip on or over any railway in this state, or in respect to any portion of the lading or freightage of any such railway train or engine car, the jurisdiction is in any county through which, or any part of which, the railway train or car passes, or has passed, in the course of the same passage or trip, or in any county where such passage or trip terminates, or would terminate if completed.

§ 335. Plea of guilty, how put in.—A plea of guilty can only be put in by the defendant himself in open court, except upon an indictment against a corporation, in which case it may be put in by counsel.

§ 675. **Summons upon an information or presentment against a corporation, by whom issued, and when returnable.**— Upon an information against a corporation, the magistrate must issue a summons, signed by him, with his name of office, requiring the corporation to appear before him, at a specified time and place, to answer the charge; the time to be not less than ten days after the issuing of the summons. (8 R. S. 1046, §§ 56, 57, 58.)

§ 676. **Form of the summons.**— The summons must be in substantially the following form:

“County of *Albany*, [or as the case may be.]

“In the name of the people of the State of New York:

“To the [naming the corporation.]

“You are hereby summoned to appear before me, at [naming the place], on [specifying the day and hour], to answer a charge made against you, upon *the information of A. B.*, for [designating the offense, generally.]

“Dated at the *city*, [or ‘town,’] of the day of , 18 .

“G. H., *Justice of the Peace.*”

[Or as the case may be.]

§ 677. **When and how served.**— The summons must be served at least five days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president, or other head of the corporation, or to the secretary, cashier or managing agent thereof.

§ 678. **Examination of the charge.**— At the time appointed in the summons, the magistrate must proceed to investigate the charge, in the same manner as in the case of a natural person brought before him, so far as those proceedings are applicable.

§ 679. **Certificate of the magistrate, and return thereof with depositions.**— After hearing the proofs, the magistrate must certify upon the depositions, either that there is or is not sufficient cause to believe the corporation guilty of the offense charged, and must return the depositions and certificate, in the manner prescribed in section 221.

§ 680. **Grand jury may proceed as in the case of a natural person.**— If the magistrate return a certificate that there is sufficient cause to believe the corporation guilty of the offense charged, the grand jury may proceed thereon as in the case of a natural person held to answer.

§ 681. When an indictment is filed against any corporation, such corporation must be arraigned thereon, and the court acquires jurisdiction over the corporation, in the manner following:

1. The clerk of the court wherein such indictment is found, or to which it is sent or removed, or the district attorney of the county, must issue a summons signed by him with his name of office, requiring such corporation to appear and answer the indictment by a demurrer or written plea to be verified in like manner as a pleading in a civil action, at a time and place to be specified in such summons, such time to be not less than five days after the issue thereof. The summons may be substantially in the following form:

Court of oyer and terminer of the county of _____, (state the
proper county or court as the case may be)

The People of the State of New York

vs.

The A. B. Company.

You are hereby summoned to appear in this court and, by demurrer or plea in writing duly verified, answer an indictment filed against you by the grand jury of this county, on the _____ day of _____, charging you with the crime of (designating the offense generally), at a term of the court of oyer and terminer (or as the case may be) of this county, at (naming the place) on (stating the day and hour) and in case of your failure to so appear and answer, judgment will be pronounced against you.

Dated at the city (or town) of _____, the _____ day of _____ 18 .
C. D.

District Attorney.

(or by order of the court, E. F. Clerk, as the case may be.)

2. The summons must be served at least four days before the appearance fixed therein, in the same manner as is provided for the service of a summons upon a corporation in a civil action; and if the corporation does not appear in the manner and at the time and place specified in the summons, judgment must be pronounced against it.

3. Nothing contained in this section shall be construed as preventing the appearance of a corporation by counsel to answer an indictment, without the issuance or service of the summons as above provided. And when an indictment shall have been filed against a corporation it may voluntarily appear and answer the same by counsel duly authorized to so appear for it; in which case the court acquires full jurisdiction over the corporation in the same manner as if the summons had been issued and served.

§ 2. Section six hundred and eighty-two of the Code of Criminal Procedure is hereby amended so as to read as follows:

§ 682. When a fine is imposed upon a corporation upon conviction, it may be collected in the same manner as a judgment in a civil action, and if an execution issued upon such judgment be returned unsatisfied, the district attorney of the county may thereupon bring an action in the name of the people of the state of New York, to procure a judgment sequestrating the property of the corporation, as provided by the Code of Civil Procedure. (*Thus amended by chap. 219, Laws 1892.*)

THE PENAL CODE OF THE STATE OF NEW YORK.

PORTIONS THEREOF APPLICABLE AND RELATING TO RAILROAD CORPORATIONS.

§ 13. Whenever in this code the punishment for crime is left undetermined between certain limits, the punishment to be inflicted in a particular case must be determined by the court authorized to pass sentence within such limits as may be prescribed by this code. In all cases where a corporation is convicted of an offense for the commission of which a natural person would be punishable with imprisonment, as for a felony, such corporation is punishable by a fine of not more than five thousand dollars. (*Thus amended by chap. 218, Laws 1892.*)

§ 41f. Refusal to permit employes to attend election.— A person or corporation who refuses to an employe entitled to vote at an election or town meeting, the privilege of attending thereat, as provided by the election law, or subjects such employe to a penalty or reduction of wages because of the exercise of such privilege, is guilty of a misdemeanor. (*Thus amended by chap. 693, Laws 1892.*)

§ 119. No sheriff of a county, mayor of a city, or officials, or other person authorized by law to appoint special deputy sheriffs, special constables, marshals, policemen or other peace officers in this state, to preserve the public peace or quell public disturbance, shall hereafter, at the instance of any agent, society, association or corporation, or otherwise, appoint as such special deputy, special constable, marshal, policeman or other peace officer, any person who shall not be a citizen of the United States and a resident of the state of New York, and entitled to vote therein at the time of his appointment, and a resident of the same county as the mayor or sheriff or other official making such appointment; and no person shall assume or exercise the functions, powers, duties or privileges incident and belonging to the office of special deputy sheriff, special constables, marshal or policemen, or other peace officer, without having first received his appointment in writing from the authority lawfully appointing him. Any person or persons who shall, in this state, without due authority, exercise, or attempt to exercise the functions of, or hold himself out to any one as a deputy sheriff, marshal, or policeman, constable or peace officer, or any public officer, or person pretending to be a public officer, who unlawfully, under the pretense or color of any process, arrests any person or detains him against his will, or seizes or levies upon any property,

or dispossesses any one of any lands or tenements without a regular process therefor, or any person who knowingly violates any other provision of this section, is guilty of a misdemeanor. But nothing herein contained shall be deemed to affect, repeal or abridge the powers authorized to be exercised under sections one hundred and two, one hundred and four, one hundred and sixty-nine, one hundred and eighty-three, eight hundred and ninety-five, eight hundred and ninety-six and eight hundred and ninety-seven of the Code of Criminal Procedure; or under chapter three hundred and forty-six of the Laws of eighteen hundred and sixty-three, as amended by chapter two hundred and fifty-nine of the Laws of eighteen hundred and sixty-six, and chapter one hundred and ninety-three of the Laws of eighteen hundred and seventy-five; or under chapter two hundred and twenty-three of the Laws of eighteen hundred and eighty; or under chapter five hundred and twenty-seven of the Laws of eighteen hundred and seventy-three; or under chapter two hundred and five of the Laws of eighteen hundred and seventy-five; but all places kept for summer resorts and the grounds of racing associations in the counties of New York, Kings and Westchester, are hereby exempted from the provisions of this act. (*Thus amended by chap. 272, Laws 1892.*)

§ 171a. **Compelling employes to agree not to join any labor organization a misdemeanor.**—Any person or persons, employer or employers of labor, and any person or persons of any corporation or corporations on behalf of such corporation or corporations, who shall hereafter coerce or compel any person or persons, employe or employes, laborer or mechanic, to enter into an agreement, either written or verbal from such person, persons, employe, laborer or mechanic, not to join or become a member of any labor organization, as a condition of such person or persons securing employment, or continuing in the employment of any such person or persons, employer or employers, corporation or corporations, shall be deemed guilty of a misdemeanor. The penalty for such misdemeanor shall be imprisonment in a penal institution for not more than six months, or by a fine of not more than two hundred dollars, or by both such fine and imprisonment. (*Chap. 688, Laws of 1887.*)

§ 199. **Liability of persons in charge of steam engines.**—An engineer or other person having charge of a steam boiler, steam engine, or other apparatus for generating or applying steam, employed in a boat or railway, or in a manufactory, or in any mechanical works, who willfully, or from ignorance or gross neglect, creates, or allows to

be created, such an undue quantity of steam as to burst the boiler, engine or apparatus, or to cause any other accident whereby the death of a human being is produced, is guilty of manslaughter in the second degree.

(3 R. S. 984, § 21; id. 978, § 81; 2 R. S. (Edm.) 717, § 25; 1 Whart. Cr. Law, § 362; see, also, § § 362, 424, *post.*)

5. Use of force or violence not declared unlawful in certain cases, etc.—(Subdivision 5, section 223.)— When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them, at their request, in expelling from a carriage, railway car, vessel or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force or violence used is not more than sufficient to expel the offending passenger, with a reasonable regard to his personal safety.

* * * * *

§ 362. Mismanagement of steam boilers.—An engineer or other person having charge of a steam boiler, steam engine or other apparatus for generating or employing steam employed in a railway, manufactory, or other mechanical works, who, willfully or from ignorance or gross neglect, creates or allows to be created such an undue quantity of steam as to bursts the boiler, engine or apparatus, or cause any other accident whereby human life is endangered, is guilty of a misdemeanor.

(3 R. S. 978, § 81; see § 199, *ante.*)

§ 381. Innkeepers and carriers refusing to receive guests and passengers.—A person who, either on his own account or as agent or officer of a corporation, carries on business as innkeeper, or as common carrier of passengers, and refuses, without just cause or excuse, to receive and entertain any guests, or to receive and carry any passengers, is guilty of a misdemeanor.

§ 383. Protecting civil and public rights.—A person who
1. Excludes a citizen of this state, by reason of race, color or previous condition of servitude, from the equal enjoyment of any accommodation, facility or privileges furnished by innkeepers or common carriers, or by owners, managers or lessees of theatres or other places of amusement, or by teachers and officers of common schools and public instructions* of learning, or by cemetery associations; or

2. Denies or aids or incites another to deny to any other person because of race, creed or color, full enjoyment of any of the accommodations, advantages, facilities and privileges of any hotel, inn, tavern, restaurant, public conveyance on land or water, theatre or other place

* So in the original.

of public resort or amusement, is guilty of a misdemeanor, punishable by fine of not less than fifty dollars nor more than five hundred dollars. (*Thus amended by chap. 692, Laws 1893.*)

§ 389. A person who makes or keeps gunpowder, nitro-glycerine, or any other explosive or combustible material, within a city or village, or carries such materials through the streets thereof, in a quantity or manner prohibited by law or by ordinance of the city or village is guilty of a misdemeanor. And a person who, by the careless, negligent or unauthorized use or management of gunpowder or other explosive substance, injures, or occasions the injury of, the person or property of another, is punishable by imprisonment for not more than two years. Any person or persons who shall knowingly present, attempt to present, or causes to be presented or offered for shipment, to any railroad, steamboat, steamship, express or other company engaged as common carriers of passengers or freight, dynamite, nitro-glycerine, powder or other explosives dangerous to life or limb, without revealing the true nature of said explosive, or substance so offered or attempted to be offered to the company or carrier to which it shall be presented shall be guilty of a felony, and upon conviction shall be fined in any sum not exceeding one thousand dollars and not less than three hundred dollars or imprisonment in a state prison for not less than one nor more than five years or be subject to both such fine and imprisonment. (*As amended by chap. 689, Laws of 1887.*)

§ 416. **Unlawful acts of and neglect of duty by railroad officials.**—An officer, agent, attorney or employe of a railroad corporation, who:

1. Offers a place, appointment, position or any other consideration to a railroad commissioner or to a secretary, clerk, agent, employe or expert employed by the board of railroad commissioners; or

2. After due notice, neglects or refuses to make or furnish any statement or report lawfully required by the board of railroad commissioners or willfully hinders, delays or obstructs such commissioners in the discharge of their official duties;

Is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws 1893.*)

§ 417. **Misconduct of railroad commissioners and of their employes.**—Any railroad commissioner, or any secretary, clerk, agent, expert or other person employed by the board of railroad commissioners, who,

1. Directly or indirectly solicits or requests from or recommends to any railroad corporation, or to any officer, attorney or agent thereof, the appointment of any person to any place or position; or,

2. Accepts, receives or requests, either for himself or for any other person, any pass, gift or gratuity from any railroad corporation; or,

3. Secretly reveals to any railroad corporation, or to any officer, member or employe thereof, any information gained by him from any other railroad corporation; is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws of 1892.*)

§ 418. Persons unable to read not to act or be employed as engineers.— Any person unable to read the time-tables of a railroad and ordinary handwriting, who act as an engineer or runs a locomotive or train on any railroad in this state; or any person who in his own behalf, or in behalf of any other person or corporation, knowingly employs a person so unable to read to act as such engineer or to run any such locomotive, is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws of 1892.*)

§ 419. Misconduct of officials or employes on elevated railroads.— Any conductor, brakeman, or other agent or employe of an elevated railroad, who:

1. Starts any train or car of such railroad, or gives any signal or order to any engineer or other person to start any such train or car, before every passenger therein who manifests an intention to depart therefrom by arising or moving toward the exit thereof, has departed therefrom; or before every passenger on the platform or station at which the train has stopped, who manifests a desire to enter the train, has actually boarded or entered the same, unless due notice is given by an authorized employe of such railroad that the train is full, and that no more passengers can then be received; or,

2. Obstructs the lawful ingress or egress of a passenger to or from any such car; or,

3. Opens a platform gate of any such car while the train is in motion, or starts such train before such gate is firmly closed; is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws 1892.*)

§ 420. Intoxication or other misconduct of railroad or steamboat employes.— 1. Any person who, being employed upon any railway as engineer, conductor, baggagemaster, brakeman, switchtender, fireman, bridge-tender, flagman, signal man, or having charge of stations, starting, regulating or running trains upon a railroad, or, being employed as captain, engineer or other officer of a vessel propelled by steam is intoxicated while engaged in the discharge of any such duties; or,

2. An engineer, conductor, brakeman, switch-tender, or other officer, agent or employe of any railroad corporation, who willfully violates or omits his duty as such officer, agent or employe, by which human life or safety is endangered, the punishment of which is not otherwise prescribed; is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws 1892.*)

§ 421. Failure to ring bell, etc.— A person acting as engineer, driving a locomotive on any railway in this state, who fails to ring the

bell, or sound the whistle, upon such locomotive, or cause the same to be rung or sounded, at least eighty rods from any place where such railway crosses a traveled road or street on the same level (except in cities), or to continue the ringing such bell or sounding such whistle at intervals, until such locomotive and the train to which the locomotive is attached shall have completely crossed such road or street, or any officer or employe of a corporation who shall willfully obstruct, or cause to be obstructed, any farm or highway crossing with any locomotive or car for a longer period than five consecutive minutes, is guilty of a misdemeanor. (*Thus amended by chap. 358, Laws of 1891.*)

§ 422. Placing passenger car in front of merchandise or freight car.—A person, being an officer or employe of a railway company, who knowingly places, directs, or suffers a freight, lumber, merchandise, or oil car to be placed in rear of a car used for the conveyance of passengers in a railway train, is guilty of a misdemeanor. (*Thus amended, Laws of 1889, chap. 267.*)

§ 423. Platforms and heating apparatus of passenger cars.—A railroad corporation, or any officer or director thereof having charge of its railroad, or any person managing a railroad in this state, or any person or corporation running passenger cars upon a railroad into or through this state, who:

1. Fails to have the platforms or ends of the passenger cars run upon such railroad constructed in such manner as will prevent passengers falling between the cars while in motion; or,

2. Except temporarily, in case of accident or emergency, heats any passenger car, while in motion, on any such railroad more than fifty miles in length, except a narrow gauge railroad which runs only mixed trains, between October fifteenth and May first, by any stove or furnace inside of or suspended from such car, except stoves of a pattern and kind approved by the board of railroad commissioners for cooking purposes in dining room cars, and except within the extended time allowed by the railroad commissioners in pursuance of law for introducing other heating apparatus; is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws of 1892.*)

§ 424. Guard posts; automatic couplers.—All corporations and persons other than employes, operating any steam railroad in this state,

1. Failing to cause guard posts to be placed in the prolongation of the line of bridge trusses upon such railroad, so that in case of derailment, the posts and not the trusses shall receive the blow of the derailed locomotive or car; or,

2. Failing after November first, eighteen hundred and ninety-two, to equip all of their own engines and freight cars, run and used in freight or other trains on such railroad, with automatic self-couplers, or running or operating on such railroad, any freight car belonging to any such person or corporation, without having the same equipped, except in case of accident or other emergency, with automatic self-couplers, and except within the extended time allowed by the board of railroad commissioners, in pursuance of law, for equipping such car with such couplers; is guilty of a misdemeanor, punishable by a fine of five hundred dollars for each offense. (*Thus amended by chap. 692, Laws of 1892.*)

See, also, chaps. 543 and 544, Laws of 1898, *ante*.

§ 425. Advising or inducing employes not to wear uniform a misdemeanor.—A person who,

1. Advises or induces any one, being an officer, agent or employe of a railway company, to leave the service of such company, because it requires a uniform to be worn by such officer, agent or employe, or to refuse to wear such uniform, or any part thereof; or,

2. Uses any inducement with a person employed by a railway company to go into the service or employment of any other railway company, because a uniform is required to be worn; or,

3. Wears the uniform designated by a railway company without authority;

Is guilty of a misdemeanor.

(2 R. S. 584, § 40; 2 R. S. 560, § 143; Laws of 1867, chap. 483, § 1.)

§ 426. Riding on freight or wood trains; getting on car or train while in motion; obstructing, etc., horse or street railroad cars; punishment.—Kidding on freight trains,

1. A person who rides on any engine or any freight or wood car of any railway company, without authority or permission of the proper officers of the company or of the person in charge of said car or engine; or,

2. Who gets on any car or train while in motion (for the purpose of obtaining transportation thereon as passenger) or,

3. Who willfully obstructs, hinders or delays the passage of any car lawfully running upon any steam or horse or street railway;

Is guilty of a misdemeanor. (*As amended by chap. 458, Laws of 1890.*)

(Laws of 1871, chap. 261; Laws of 1879, chap. 474; Laws of 1890, chap. 370.)

§ 433a. Lights upon swing bridges.—A corporation, company or individual, owning, maintaining or operating a swing bridge across the Hudson river, who during the navigation season between sundown and sunrise, neglects to keep and maintain upon every such bridge the lights required by law, is guilty of a misdemeanor. (*This section added by chap. 692, Laws 1893.*)

§ 487. Arson in second degree.—A person who,

* * * * *

4. Willfully burns, or sets on fire, in the night-time, a car, vessel or other vehicle, or a structure or building, ordinarily occupied at night by a human being, although no person is within it at the time.

* * * * *

§ 488. Arson in third degree.—A person who willfully burns, or sets on fire, either,

1. A vessel, car, or other vehicle, or a building, structure or other erection, which is at the time insured against loss or damage by fire, with intent to prejudice the insurer thereof; or,

2. A vessel, car or other vehicle, or a building, structure or other erection under circumstances not amounting to arson in the first or second degree.

§ 498. Burglary in third degree.—A person who either,

1. With intent to commit a crime therein, breaks and enters a building, or room, or any part of a building; or,

2. Being in any building, commits a crime therein and breaks out of the same;

Is guilty of burglary in the third degree.

(8 R. S. 941, §§ 18, 19.)

§ 504. "Building," defined.—The term "building," as used in this chapter, includes a railway car, vessel, booth, tent, shop or other erection or inclosure.

§ 505. Unlawfully entering building.—A person who, under circumstances or in a manner not amounting to burglary, enters a building, or any part thereof, with intent to commit a felony or a larceny, or any malicious mischief, is guilty of a misdemeanor.

§ 514. Other cases of forgery in third degree.—A person who, either,

1. Being an officer or in the employment of a corporation, association, partnership or individuals falsifies, or unlawfully and corruptly alters, erases, obliterates or destroys any accounts, books of accounts, records, or other writing, belonging to or appertaining to the business of the corporation, association or partnership or individuals; or,

2. Who, with intent to injure or defraud, shall falsely make, alter, forge or counterfeit, or shall cause, aid, abet, assist or otherwise connive at, or be a party to the making, altering, forging or counterfeiting of any letter, telegram or other written communication, paper, or instrument by which making, altering, forging or counterfeiting, any

other person shall be in any manner injured in his good name, standing, position or general reputation; or,

3. Who shall alter, or who shall cause, aid, abet, or otherwise connive at, or be a party to the uttering of any letter, telegram, report or other written communication, paper or instrument purporting to have been written or signed by another person, or any paper purporting to be a copy of any such paper or writing where no original existed, which said letter, telegram, report or other written communication, paper or instrument, or paper purporting to be a copy thereof, as aforesaid, the person uttering the same shall know to be false, forged or counterfeited, and by the uttering of which the sentiments, opinions, conduct, character, prospects, interests or rights of such other person shall be misrepresented or otherwise injuriously affected; or,

4. With intent to defraud, shall forge, counterfeit or falsely alter and wrongfully utter any ticket, contract or other paper, or writing entitling, or purporting to entitle, the person whose name appears therein, or the holder or bearer thereof, to entrance upon the grounds or premises of any membership corporation, or being thereupon, to remain upon such grounds or premises; or with like intent, shall use any such ticket, contract or other paper or writing, to effect an entrance or as evidence of his right to remain upon such grounds or premises: or, with like intent, shall sell, exchange or deliver, or keep or offer for sale, exchange or delivery, or receive upon any purchase, exchange or delivery, any such ticket, contract or other paper or writing, knowing the same to have been forged, counterfeited or falsely altered, is guilty of forgery in the third degree. (*Thus amended by chap. 692, Laws 1892.*)

§ 516. **Forging passage tickets.**—A person who, with intent to defraud, forges, counterfeits or falsely alters any ticket, cheque or other paper or writing, entitling or purporting to entitle the holder or proprietor thereof to a passage upon any railway or in any vessel or other public conveyance; and a person who, with like intent, sells, exchanges or delivers, or keeps or offers for sale, exchange or delivery, or receives upon any purchase, exchange or delivery, any such ticket, knowing the same to have been forged, counterfeited or falsely altered, is guilty of forgery in the third degree.

(3 R. S. 954, §§ 93, 94; Laws of 1860, p. 177, chap. 108.)

§ 518. **Officer of corporation selling, etc., forged or fraudulent scrip, etc.**—An officer, agent or other person employed by any company or corporation existing under the laws of this state, or of any other state or territory of the United States, or of any foreign

government, who willfully and with a design to defraud, sells, pledges or issues, or causes to be sold, pledged or issued, or signs or procures to be signed with intent to sell, pledge or issue, or to be sold, pledged or issued, a false, forged or fraudulent paper, writing or instrument, being or purporting to be a scrip, certificate or other evidence of the ownership or transfer of any share or shares of the capital stock of such company or corporation, or a bond or other evidence of debt of such company or corporation, or a certificate or other evidence of the ownership or of the transfer of any such bond or other evidence of debt, is guilty of forgery in the third degree, and upon conviction, in addition to the punishment prescribed in this title for that offense, may also be sentenced to pay a fine not exceeding \$3,000.

(3 R. S. 946, §§ 49, 50; § 591, *post.*)

§ 519. **Falsely indicating person as corporate officer.**—The false making or forging of an instrument or writing purporting to have been issued by or in behalf of a corporation or association, state or government, and bearing the pretended signature of any person, therein falsely indicated as an agent or officer of such corporation, is forgery in the same degree, as if that person were in truth such officer or agent of the corporation or association, state or government.

(3 R. S. 946, § 48; 2 R. S. (Edm.) 695, § 47; Laws of 1885, chap. 155.)

§ 520. **Terms "forge" and "forging."**—The expression "forge," "forged" and "forging," as used in this chapter, includes false making, counterfeiting and the alteration, erasure or obliteration of a genuine instrument, in whole or in part, the false making or counterfeiting of the signature of a party or witness, and the placing or connecting together with intent to defraud different parts of several genuine instruments.

(3 R. S. 946, § 44.)

§ 590. **Frauds in the organization of corporations.**—A person who:

1. Without authority subscribes the name of another to or inserts the name of another in any prospectus, circular or other advertisement or announcement of any corporation or joint-stock association existing or intended to be formed, with intent to permit the same to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member or promoter of such corporation or association; or,

2. Signs the name of a fictitious person to any subscription for or agreement to take stock in any corporation, existing or proposed; or,

3. Signs to any such subscription or agreement in the name of any person, knowing that such person does not intend in good faith to comply with the terms thereof, or under any understanding or agreement, that the terms of such subscription or agreement are not to be complied with or enforced; is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws 1892.*)

§ 591. An officer, agent or other person in the service of any joint-stock company or corporation formed or existing under the laws of this state, or of the United States, or of any state or territory thereof, or of any foreign government or country, who willfully and knowingly, with intent to defraud, either:

1. Sells, pledges or issues, or causes to be sold, pledged or issued, or signs or executes, or causes to be signed or executed with intent to sell, pledges or issues, or causes to be sold, pledged or issued, any certificate or instrument purporting to be a certificate or evidence of the ownership of any share or shares of such company or corporation, or any bond or evidence of debt, or writing purporting to be a bond or evidence of debt of such company or corporation, without being first thereto duly authorized by such company or corporation, or contrary to the charter or laws under which such corporation or company exists, or in excess of the power of such company or corporation or of the limit imposed by law or otherwise upon its power to create or issue stock or evidences of debt; or,

2. Reissues, sells, pledges or disposes of, or causes to be reissued, sold, pledged or disposed of, any surrendered or canceled certificates, or other evidence of the transfer or ownership of any such share or shares, is punishable by imprisonment for a term not exceeding seven years, or by a fine not exceeding three thousand dollars, or by both. (*Thus amended by chap. 662, Laws 1892.*)

§ 592. An officer, agent or clerk of a corporation, or of persons proposing to organize a corporation, or to increase the capital stock of a corporation, who knowingly exhibits a false, forged or altered book, paper, voucher, security or other instrument of evidence to any public officer or board authorized by law to examine the organization of such corporation, or to investigate its affairs, or to allow an increase of its capital, with intent to deceive such officer or board in respect thereto, is punishable by imprisonment in a state prison not exceeding ten years. (*Thus amended by chap. 662, Laws 1892.*)

§ 594. Misconduct of directors of stock corporations.—A director of a stock corporation, who concurs in any vote or act of the directors of such corporation, or any of them, by which it is intended,

1. To make a dividend, except from the surplus profits arising from the business of the corporation, and in the cases and manner allowed by law; or,

2. To divide, withdraw, or in any manner pay to the stockholders or any of them, any part of the capital stock of the corporation; or to reduce such capital stock without the consent of the legislature; or,

3. To discount or receive any note or other evidence of debt in payment of an installment of capital stock actually called in, and required to be paid, or with intent to provide the means of making such payment; or,

4. To receive or discount any note or other evidence of debt with intent to enable any stockholder to withdraw any part of the money paid in by him on his stock; or,

5. To apply any portion of the funds of such corporation, except surplus, profits, directly or indirectly, to the purchase of shares of its own stock; or,

6. To receive any such shares in payment or satisfaction of a debt due to such corporations; or,

7. To receive in exchange for the shares, notes, bonds, or other evidences of debt of such corporation, shares of the capital stock or notes, bonds or other evidences of debt issued by any other stock corporation engaged in another line of business, unless authorized by law to make such exchange. (*Thus amended by chap. 692, Laws 1892.*)

§ 602. A director, officer or agent of any corporation or joint-stock association, who knowing receives or possesses himself of any property of such corporation or association, otherwise than in payment of a just demand, and with intent to defraud, omits to make, or cause or direct to be made, a full and true entry thereof, in the books or accounts of such corporation or association; and a director, officer, agent, or member of any corporation or joint-stock association who, with intent to defraud, destroys, alters, mutilates, or falsifies any of the books, papers, writings or securities belonging to such corporation or association, or makes or concurs in making any false entry, or omits or concurs in omitting to make any material entry in any book of accounts, or other record or document kept by such corporation or association, is punishable by imprisonment in a state prison not exceeding ten years, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. (*Thus amended by chap. 662, Laws of 1892.*)

§ 603. **Officer of corporation publishing false reports of its condition.**— A director, officer or agent of any corporation or joint-stock association, who knowingly concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition, containing any material statement which is false, other than such as are elsewhere, by this code, specially made punishable, is guilty of a misdemeanor.

(Laws of 1874, chap. 440, §§ 1, 2; §§ 607 and 608 repealed by chapter 377, Laws of 1884.)

§ 609. **Directors of corporation presumed to have knowledge of its affairs.**— A director of a corporation or joint-stock association must be deemed to have such a knowledge of the affairs of the corporation or association as to enable him to determine whether any act, proceeding or omission of its directors, is a violation of this chapter.

(2 R. S., 299, § 14.)

§ 610. **Misconduct of officers and directors of stock corporations.**— An officer or director of a stock corporation who:

1. Issues, participates in issuing, or concurs in a vote to issue any increase of its capital stock beyond the amount of the capital stock thereof, duly authorized by or in pursuance of law; or

2. Sells, or agrees to sell, or is directly or indirectly interested in the sale of any share of stock of such corporation, or in any agreement to sell the same, unless at the time of such sale or agreement he is an actual owner of such share; is guilty of a misdemeanor, punishable by imprisonment for not less than six months, or by a fine not exceeding five thousand dollars, or by both. (*Thus amended by chap. 692, Laws 1892.*)

§ 611. **Misconduct of officers and employes of corporations.**— A director, officer, agent or employe of any corporation or joint-stock association who:

1. Knowingly receives or possesses himself of any of its property otherwise than in payment for a just demand, and with intent to defraud, omits to make or to cause or direct to be made, a full and true entry thereof in its books and accounts; or,

2. Concurs in omitting to make any material entry thereof; or,

3. Knowingly concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition, containing any material statement which is false; or,

4. Having the custody or control of its books, willfully refuses or neglects to make any proper entry in the stock book of such corporation as required by law, or to exhibit or allow the same to be inspected, and extracts to be taken therefrom by any person entitled by law to inspect the same or to take extracts therefrom. (*Thus amended by chap. 692, Laws 1893.*)

5. If a notice of an application for an injunction affecting the property or business of such joint-stock association or corporation is served upon him, omits to disclose the fact of such service and the time and place of such application to the other directors, officers and managers thereof; or,

6. Refuses or neglects to make any report or statement lawfully required by a public officer; is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws 1892.*)

§ 612. Misconduct of officers and agents of pipe-line corporations.— Any officer, agent or manager of a pipe-line corporation, who:

1. Neglects or refuses to transport any product delivered for transportation, or to accept and allow a delivery thereof in the order of application, according to the general rules of the corporation, as provided by law; or,

2. Charges, accepts or agrees to accept for such receipt, transportation and delivery, a sum different from the amount fixed by such regulations; or,

3. Allows or pays, or agrees to allow or pay, or suffers to be allowed or paid or repaid, any draw-back, rebate or allowance, so that any person shall, by any device, have or procure any transportation of products over such pipe-line at a less rate or charge than is fixed in such regulations, is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both. (*Thus amended by chap. 692, Laws 1892.*)

§ 613. Misconduct of corporate elections.— Any person who:

1. Votes or issues a proxy to vote at any meeting of the stockholders or bondholders, or both, of a stock corporation, upon any stock or bond, if the person in whose behalf such vote is given shall not then have the title to the stock represented by such certificate or to such bond, and shall not have it in his possession and control, notwithstanding such stock or bond shall then stand on the books of such corporation in the name of the person in whose behalf such vote is given; or,

2. Being entitled to vote at such meeting, sells his vote or issues a proxy to vote to any person for any sum of money or thing of value; or,

3. Acts as an inspector of election at any such meeting and violates an oath taken by him, in pursuance of law as such inspector, or violates the provisions of an oath required by law to be taken by him as such

inspector, or is guilty of any dishonest or corrupt conduct as such inspector, is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws 1892.*)

§ 614. Presumption of knowledge of corporate condition and business and of assent thereto by directors; definitions.— It is no defense to a prosecution for a violation of the provisions of this chapter, that the corporation is a foreign corporation, if it carries on business or keeps an office therefor in this state. The term "director" as used in this chapter includes any of the persons having, by law, the direction or management of the affairs of a corporation, by whatever name described. A director of a corporation or joint-stock association is deemed to have such a knowledge of the affairs of the corporation or association as to enable him to determine whether any act, proceeding or omission of its directors is a violation of this chapter. If present at a meeting of the directors at which any act, proceeding or omission of such directors in violation of this chapter occurs, he must be deemed to have concurred therein, unless he at the time causes or in writing requires his dissent therefrom to be entered on the minutes of the directors. If absent from such meeting, he must be deemed to have concurred in any such violation, if the facts constituting such violation appear on the record or minutes of the proceedings of the board of directors, and he remains a director of the corporation for six months thereafter without causing or in writing requiring his dissent from such violation to be entered on such record of minutes. (*Thus amended by chap. 692, Laws 1892.*)

(§ 615 repealed; Laws, 1882.)

§ 616. Sale by authorized agents restricted.— No person, except as allowed in section 622, shall ask, take or receive any money or valuable thing as a consideration for any passage or conveyance upon any vessel or railway train, or for the procurement of any ticket or instrument, giving or purporting to give a right, either absolutely or upon a condition or contingency, to a passage or conveyance upon a vessel or railway train, or a berth or state-room on a vessel, unless he is an authorized agent within the provisions of the last section; nor shall any person, as such agent sell or offer to sell any such ticket, instrument, berth or state-room, or ask, take or receive any consideration for any such passage, conveyance, berth or state-room, excepting at the office designated in his appointment, nor until he has been authorized to act as such agent according to the provisions of the last section, nor for a sum exceeding the price charged at the time of such sale by the company, owners or consignees of the vessel or railway mentioned in

the ticket. But a person who shall have purchased a ticket in good faith for his own passage, and shall have been prevented from using the same, may sell the ticket at any price not greater than the regular rate established therefor to another person in good faith for his own use.

(Laws of 1860, chap. 103, § 2; Laws of 1857, chap. 470, § 1; Laws of 1868, chap. 820; Laws of 1876, chap. 201.)

§ 617. Unauthorized persons forbidden to sell certificates, receipts, etc., for the purpose of procuring tickets.— No person other than an agent appointed, as provided in section 615, shall sell, or offer to sell, or in any way attempt to dispose of any order, certificate, receipt or other instrument, for the purpose or under the pretense, of procuring any ticket or instrument mentioned in section 615, upon any company or line, vessel or railway train therein mentioned. And every such order sold or offered for sale by any such agent must be directed to the company, owners or consignees at their office.

(Laws of 1860, chap. 103, § 3; Laws of 1857, chap. 470; Laws of 1868, chap. 820; Laws 1876, chap. 201.)

§ 618. A person guilty of a violation of any of the provisions of the preceding sections of this chapter is punishable by imprisonment in a state prison not exceeding two years, or imprisonment in a county jail not exceeding six months. (*Thus amended by chap. 662, Laws of 1892.*)

§ 619. Conspiring to sell passage tickets in violation of law.— All persons who conspire together to sell, or attempt to sell, to any person, any passage ticket, or other instrument mentioned in sections 615 and 616, in violation of those sections, and all persons who by means of any such conspiracy, obtain or attempt to obtain, any money or other property, under the pretense of procuring or securing any passage or right of passage in violation of this chapter, are punishable by imprisonment in a State prison not exceeding five years.

(Laws of 1860, chap. 103, § 5; Laws of 1857, chap. 470; Laws of 1868, chap. 820; Laws of 1870, chap. 103, § 5; Laws of 1870, chap. 423.)

§ 620. Conspirators may be indicted, notwithstanding object of conspiracy has not been accomplished.— Persons guilty of violating the last section may be indicted and convicted for a conspiracy, though the object of such conspiracy has not been executed.

(Laws of 1860, chap. 103, § 6; Laws of 1870, chap. 423, § 6; see § 171.)

§ 621. Offices kept for unlawful sale of passage tickets, declared disorderly houses.— All offices kept for the purpose of selling passage tickets in violation of any of the provisions of this chap-

ter, and all offices where any such sale is made, are deemed disorderly houses; and all persons keeping any such office, and all persons associating together for the purpose of violating any of the provisions of this chapter are punishable by imprisonment in a county jail for a period not exceeding six months. (*Thus amended by chap. 662, Laws of 1892.*)

§ 623. **Station masters, conductors, etc., allowed to sell tickets.**—The provisions of this chapter do not prevent the station master or other ticket agent upon any railway from selling in his office at any station on such railway, any passage tickets upon such railway; nor do they prevent any conductor upon a railway from selling such tickets upon the trains of such railway.

§ 626. **Emigrants ; sales and exchanges of passenger tickets.**—A person who,

1. Sells, or causes to be sold, a passage ticket, or order for such ticket, on any railway, vehicle or vessel, to any emigrant passenger at a higher rate than one and a quarter cents per mile ; or,

2. Takes payment for any such ticket or order for a ticket under a false representation as to the class of the ticket, whether emigrant or first-class ; or,

3. Directly or indirectly, by means of false representations, purchases or receives from an emigrant passenger any such ticket ; or,

4. Procures or solicits any such passenger having such a ticket to exchange the same for another passenger ticket, or to sell the same and purchase some other passenger ticket ; or,

5. Solicits or books any passenger arriving at the port of New York from a foreign country before such passenger has left the vessel on which he has arrived, or enters or goes on board any vessel arriving at the port of New York from a foreign country, having emigrant passengers on board, for the purpose of soliciting or booking such passengers; and a person or agent of a corporation employing any person for the purpose of booking such passengers before leaving the ship;

Is guilty of a misdemeanor.

(1 R. S. 1087, §§ 78, 79, 81; Laws of 1853, chap. 218, §§ 7, 8, 9; Laws of 1855, chap. 474, §§ 1, 3, 4.)

§ 627. **“Company” defined.**—The term “company,” as used in this chapter, includes all corporations, whether created under the laws of this state or of the United States, or those of any other state or nation. (Laws of 1860, chap. 108, § 13.)

§ 628. By pipe-line corporations.—A pipe-line corporation, or a person being the officer, agent, manager or representative thereof, who:

1. Accepts, makes or issues any receipt, certificate or order of any kind for any commodity, unless the commodity represented is actually at the time in the possession of the corporation; or,

2. Delivers to any person any petroleum or other commodity received for transportation by such corporation without the presentation and surrender of all vouchers, receipts, orders or certificates that have been issued or accepted for the same; or,

3. Having parted with the possession of any commodity and having received therefor an order, voucher receipt or certificate shall reissue the same, or shall not cause it to be canceled by the word "canceled" stamped or printed legibly across the face thereof, and to be filed and recorded by such corporation, as provided by law;

Is guilty of a misdemeanor. (*Thus amended by chap. 692, Laws 1892.*)

§ 629. Issuing fictitious bills of lading, receipts and vouchers.—A person who,

1. Being the master, owner, or agent of any vessel, or officer or agent of any railway, express or transportation company, or otherwise being or representing any carrier, who delivers any bill of lading, receipt or other voucher, by which it appears that merchandise of any kind has been shipped on board a vessel, or delivered to a railway, express or transportation company, or other carrier, unless the same has been so shipped or delivered and is at the time actually under the control of such carrier, or the master, owner or agent of such vessel, or of some officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt or voucher; or,

2. Carrying on the business of a warehouseman, wharfinger or other depository of property, who issues any receipt, bill of lading or other voucher for merchandise of any kind which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether such instrument is issued to a person as being the owner of such merchandise, or as security for any indebtedness; is guilty of a misdemeanor, punishable by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. (*Thus amended by chap. 692, Laws of 1892.*)

§ 630. Erroneous bills of lading or receipts issued in good faith excepted.—No person can be convicted of an offense under the last two sections for the reason that the contents of any barrel, box,

case, cask or other vessel or package mentioned in the bill of lading, receipt or other voucher did not correspond with the description given in each instrument of the merchandise received, if such description corresponds substantially with the marks, labels or brands upon the outside of such vessel or package, unless it appears that the defendant knew that such marks, labels or brands were untrue.

§ 631. Duplicate receipt must be marked "duplicate."—A person mentioned in sections 628 and 629, who issues any second or duplicate receipt or voucher of a kind specified in those sections at a time while a former receipt or voucher for the merchandise specified in such second receipt is outstanding and uncanceled, without writing across the face of the same the word "duplicate," in a plain and legible manner, is punishable by imprisonment not exceeding one year, or by a fine not exceeding \$1,000, or by both.

§ 632. Selling, hypothecating or pledging property received for transportation or storage.—A person mentioned in sections 628 and 629, who sells or pledges any merchandise for which a bill of lading, receipt or voucher has been issued by him without the consent in writing thereto of the person holding such bill, receipt or voucher, is punishable by imprisonment not exceeding one year, or by a fine not exceeding \$1,000, or by both.

(2 R. S. 229, § 4; Laws of 1858, chap. 826; Laws of 1859, chap. 353; Laws of 1866, chap. 440.)

§ 634. Property demanded by process of law.—The last two sections (§§ 632 and 633) do not apply to any case where property is demanded by virtue of legal process.

(2 R. S. 229, § 8.)

§ 635. Injuries to railroad tracks, et cetera.—A person who,

1. Displaces, removes, injures or destroys any rail, sleeper, switch, bridge, viaduct, culvert, embankment, or structure, or any part thereof attached, appertaining to or connected with any railway, whether operated by steam, horses, or other motive power; or,

2. Places any obstruction upon the track of any such railway; or,

3. Willfully destroys or breaks any guard erected or maintained by a railroad corporation as a warning signal for the protection of its employes; or,

4. Willfully discharges a loaded firearm, or projects or throws a stone or other missile at a railway train, or at a locomotive, car or vehicle standing or moving upon a railway; or,

5. Willfully displaces, removes, cuts, injures or destroys any wire, insulator, pole, dynamo, motor, locomotive, or any part thereof, attached, appertaining to or connected with any railway operated by electricity, or willfully interferes with or interrupts any motive power used in running such road, or willfully places any obstruction upon the track of such railroad, or willfully discharges a loaded firearm, or projects or throws a stone or any other missile at such railway train or locomotive, car or vehicle, standing or moving upon such railway; is punishable as follows:

1. If thereby the safety of any person is endangered, by imprisonment for not more than ten years.

2. In every other case, by imprisonment for not more than three years or by a fine of not more than two hundred and fifty dollars, or both. (*Thus amended by chap. 692, Laws 1892.*)

§ 638. Altering, etc., signal or light for railway engine or train.—A person who, with intent to bring a vessel, railway engine or railway train into danger, either,

1. Unlawfully or wrongfully shows, masks, extinguishes, alters, or removes a light or other signal; or

2. Exhibits any false light or signal;

Is punishable by imprisonment for not more than ten years.

§ 645. Endangering life by maliciously placing explosive near building, car, etc.—A person who places in, upon, under, against or near to, any building, car, vessel or structure, gunpowder or any other explosive substance, with intent to destroy, throw down or injure the whole or any part thereof, under such circumstances, that if the intent were accomplished, human life or safety would be endangered thereby, although no damage is done, is guilty of a felony.

(See §§ 201, 389, 636.)

§ 649. A messenger appointed by authority of law to receive and carry a report, certificate or certified copy of any statement relating to the result of any election, who willfully mutilates, tears, defaces, obliterates or destroys the same, or does any other act which prevents the delivery of it as required by law; and a person who takes away from such messenger any such report, certificate or certified copy, with intent to prevent its delivery, or who willfully does any injury or other act in this section specified, is punishable by imprisonment in a state prison not exceeding five years. (*Thus amended by chap. 662, Laws of 1892.*)

§ 654. A person who unlawfully and willfully destroys or injures any real or personal property of another or who without authority or permission from a person who has the right to give such authority or permission, loosens any brake or blocking of any car standing on any railroad track in this state, or without like authority or permission, puts upon or runs any hand car, or other car, on any railroad track in this state, or without like authority or permission, interferes or meddles with any brake or coupling of any car while standing or moving on any railroad track in this state, or takes any part therein, in a case where the punishment is not specially prescribed by statute, is punishable as follows:

1. If the value of the property destroyed, or the diminution in the value of the property by the injury is more than twenty-five dollars, by imprisonment for not more than four years.

2. In any other case, by imprisonment for not more than six months, or by a fine of not more than two hundred and fifty dollars, or by both such fine and imprisonment.

3. And in addition to the punishment prescribed therefor, he is liable in treble damages for the injury done, to be recovered in a civil action by the owner of such property, or the public officer having charge thereof. (*Thus amended by chap. 186, Laws of 1892.*)

§ 659. Carrying animals in a cruel manner, a misdemeanor.— A person who carries, or causes to be carried in or upon any vessel or vehicle or otherwise, any animal in a cruel or inhuman manner, or so as to produce torture, is guilty of a misdemeanor.

(3 R. S., 974, § 88; Laws of 1880, chap. 209; Laws of 1867, chap. 375, § 5; § 668, *post.*)

§ 661. Throwing substance injurious to animals in public places, a misdemeanor.— A person who willfully throws, drops or places, or causes to be thrown, dropped or placed upon any road, highway, street or public place, any glass, nails, pieces of metal, or other substance which might wound, disable or injure any animal, is guilty of a misdemeanor.

§ 663. Transporting animals for more than twenty-four consecutive hours a misdemeanor.— A railway corporation, or an owner, agent, consignee, or person in charge of any horse, sheep, cattle, or swine, in the course of, or for transportation, who confines, or causes or suffers the same to be confined, in cars for a longer period

than twenty-four consecutive hours, without unloading for rest, water and feeding, during ten consecutive hours, unless prevented by storm or inevitable accident, is guilty of a misdemeanor. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received, must be computed. If the owner, agent, consignee or other person in charge of any such animals refuses or neglects upon demand to pay for the care or feed of the animals while so unloaded or rested, the railway company, or other carriers thereof, may charge the expense thereof to the owner or consignee and shall have a lien thereupon for such expense.

(8 R. S. 974, § 88; Laws of 1866, chap. 560, § 1.)

§ 669. **Definitions.**—1. The word “animal,” as used in this title, does not include the human race, but includes every other living creature;

2. The word “torture” or “cruelty” includes every act, omission, or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted;

3. The words “impure and unwholesome milk” include all milk obtained from animals in a diseased or unhealthy condition, or who are fed on a distillery waste, usually called “swill,” or upon any substance in a state of putrefaction or fermentation.

(8 R. S. 976, § 51; Laws of 1874, chap. 12, § 8; Laws of 1862, chap. 467, § 4.)

§ 675. Any person who shall by any offensive or disorderly act or language, annoy or interfere with any person or persons in any place or with the passengers of any public stage, railroad car, ferry boat, or other public conveyance, or who shall disturb or offend the occupants of such stage, car, boat or conveyance, by any disorderly act, language or display, although such act, conduct or display may not amount to an assault or battery, shall be deemed guilty of a misdemeanor. A person who willfully and wrongfully commits any act which seriously injures the person or property of another, or which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, for which no other punishment is expressly prescribed by this code, is guilty of a misdemeanor; but nothing in this code contained shall be so construed as to prevent any person from demanding an increase of wages, or from assembling and using all lawful means to induce employers to pay such wages to all persons employed by them, as shall be a just and fair compensation for services rendered. (*Thus amended, chap. 327, Laws of 1891.*)

CODE OF CIVIL PROCEDURE.

SECTIONS APPLICABLE TO RAILROAD CORPORATIONS.

SUMMONS, PERSONAL SERVICE OF UPON A DOMESTIC CORPORATION.

§ 431. Personal service of the summons upon a defendant, being a domestic corporation, must be made by delivering a copy thereof, within the state, as follows:

* * * *

3. In any other case, to the president or other head of the corporation, the secretary or clerk to the corporation, the cashier, the treasurer, or a director or managing agent.

SUMMONS, SERVICE OF BY PUBLICATION.

§ 438. An order directing the service of a summons upon a defendant, without the state, or by publication, may be made in either of the following cases:

* * * *

6. Where the defendant is a resident of the state, or a domestic corporation; and an attempt was made to commence the action against the defendant, as required in chapter fourth of this act, before the expiration of the limitation applicable thereto as fixed in that chapter; and the limitation would have expired within sixty days next preceding the application if the time had not been extended by the attempt to commence the action.

* * * *

ORDER FOR PUBLICATION; PAPERS TO PROCURE.

§ 439. The order must be founded upon a verified complaint showing a sufficient cause of action against the defendant to be served, and proof by affidavit of the additional facts required by the last section; and also, where the application upon the ground that the defendant is a foreign corporation or not a resident of the state, or in a case specified in subdivision fourth, fifth or seventh of the last section, that the plaintiff has been or will be unable, with due diligence, to make personal service of the summons.

VERIFICATION OF PLEADINGS BY CORPORATIONS.

§ 525. The verification must be made by the affidavit of the party, or if there are two or more parties united in interest and pleading together, by at least one of them who is acquainted with the facts, except as follows:

1. Where the party is a domestic corporation, the verification must be made by an officer thereof.

* * * * *

INJUNCTION AGAINST CORPORATIONS; SERVICE OF.

§ 610. The injunction order must briefly recite the grounds for the injunction. Where it is granted by the court, it must be served by delivering a certified copy thereof; where it is granted by a judge, it must be served by showing the original order, and delivering a copy thereof. Service of the order upon a corporation may be made as prescribed in this act, for making personal service of a summons upon a corporation, copies of the papers upon which the order was granted must be delivered with the copy of the order.

ATTACHMENTS; IN WHAT ACTIONS.

§ 635. A warrant of attachment against the property of one or more defendants in an action may be granted upon the application of the plaintiff, as specified in the next section, where the action is to recover a sum of money only, as damages for one or more of the following causes:

1. Breach of contract, express or implied, other than a contract to marry.
2. Wrongful conversion of personal property.
3. An injury to property in consequence of negligence, fraud or other wrongful act.

FOREIGN CORPORATION; ATTACHMENT.

§ 636. To entitle a plaintiff to such a warrant he must show by affidavit, to the satisfaction of the judge granting the same, as follows:

1. That one of the causes of action specified in the last section exists against the defendant. * * *
2. That the defendant is either a foreign corporation or not a resident of the state.

* * * * *

FOREIGN CORPORATION; ATTACHMENT OF UNPAID SUBSCRIPTION TO.

§ 646. Under a warrant of attachment against a foreign corporation, other than a corporation created by or under the laws of the

United States, the sheriff may levy upon the sum remaining unpaid upon a subscription to the capital stock of the corporation, made by a person within the county; or upon one or more shares of stock therein, held by such a person or transferred by him for the purpose of avoiding payment thereof.

RECEIVER OF A CORPORATION MAY HOLD REAL PROPERTY.

§ 716. A receiver, appointed by or pursuant to an order or a judgment, in an action in the Supreme Court, or superior city court, or a county court, or in a special proceeding for the voluntary dissolution of a corporation, may take and hold real property, upon such trusts and for such purposes as the court directs, subject to the direction of the court, from time to time, respecting the same.

§ 1650. An action may be maintained, as prescribed in this article, by or against a corporation, or by or against an unincorporated association, as if it was a natural person, or such an action may be maintained by or against the receiver or other successor of any such corporation or association.

ACTION BY ATTORNEY-GENERAL.

§ 1948. The Attorney-General may maintain an action upon his own information, or upon the complaint of a private person in either of the following cases:

1. Against a person who usurps, intrudes into, or² unlawfully holds or exercises, within the state, a franchise, or a public office, civil or military, or an office in a domestic corporation.

* * * * *

3. Against one or more persons who act as a corporation within the state, without being duly incorporated; or exercise within the state, any corporate rights, privileges or franchises, not granted to them by the law of the state.

JUSTICES' COURT; ACTIONS IN.

§ 2865. An action, cognizable by a justice of the peace, may be brought by or against a corporation. * *

JUSTICES' COURTS; SUMMONS; SERVICE UPON RAILROAD CORPORATIONS.

§ 2880. Where the defendant to be served is a domestic railroad corporation, and no officer thereof resides in the county, to whom a copy of the summons may be delivered, as prescribed in the last section; it may be personally served, by delivering a copy thereof to a local superintendent of repairs, freight agent, agent to sell tickets, or station

keeper of the corporation, residing in the county; unless at least thirty days before it was issued, the corporation has filed, in the office of the clerk, a written instrument, designating a person residing in the county upon whom process to be issued by a justice of the peace against it, may be served; in which case, the summons may be personally served by delivering a copy to the person so designated.

CODE OF CIVIL PROCEDURE.

Sections applicable to the voluntary dissolution of a corporation. (§§ 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, and 2431.)

Sections applicable to actions relating to a corporation. (§§ 1775, 1776, 1777, 1778, 1779, and 1780.)

Sections applicable to the judicial supervision of a corporation and of the officers and members thereof. (§§ 1781, 1782, and 1783.)

Sections applicable to actions to procure the dissolution of a corporation, and actions to enforce the individual liability of the officers or members of a corporation with or without a dissolution thereof (§§ 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, and 1796.)

Sections applicable to an action by the people to annul a corporation. (§§ 1797, 1798, 1799, 1800, 1801, 1882, and 1803.)

Other sections applicable to dissolution of corporations, receivers, etc., are (§§ 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, and 1813).

RAPID TRANSIT ACT.

CHAP. 4, LAWS OF 1891, AS AMENDED BY CHAP. 752, LAWS OF 1894.

AN ACT to provide for rapid transit railways in cities of over one million inhabitants.

SECTION 1. Commissioners of rapid transit; appointments; board constituted; vacancies.—In each city having over one million of inhabitants, according to the last preceding national or state census, there shall be a board of rapid transit railroad commissioners in and for such city, which shall consist of the mayor of such city, the comptroller or other chief financial officer of such city, the president of the chamber of commerce of the state of New York, by virtue of his office, and the following named persons, to wit: William Steinway, Seth Low, John Claflin, Alexander E. Orr and John H. Starin. The members of said board shall be styled commissioners, of rapid transit. Vacancies which may take place in the offices so held by the persons specifically named herein as such commissioners shall be filled by a majority vote of the remaining members of said board. The board thus constituted shall have and exercise the specific authority and powers hereinafter conferred and also such other and necessary powers as may be requisite to the efficient performance of the duties imposed upon said board by this act. (*Thus amended by chap. 752, Laws 1894.*)

§ 2. Oath of commissioners.—Each of the said commissioners other than the mayor and comptroller or other chief financial officer of such city shall take and subscribe an oath faithfully to perform the duties of his office, which oath shall be filed in the office of the clerk of any county within which there shall be a city of the class men-

tioned in the first section of this act. (*Thus amended by chap. 752, Laws 1894.*)

§ 3. First meeting of board; by-laws and rules; quorum; record of proceedings.—Within twenty days after the filing of the oaths of said commissioners so required to make and file the same the commissioners of rapid transit in respect to each of such cities shall meet and organize as a board. The board when so organized, may frame and adopt by-laws not inconsistent with this act, and establish suitable rules and regulations for the proper exercise of the powers and duties hereby conferred and imposed, and may, from time to time, amend the same. Four members of the board shall constitute a quorum for the transaction of business, but a less number may adjourn meetings. The said board shall adopt a seal, and keep a record of its proceedings, which shall be a public record and be open to inspection at all reasonable times. (*Thus amended by chap. 752, Laws 1894.*)

§ 4. Board to determine necessity of railways and to fix routes; general plan of construction; location of routes; proviso as to consents; parks and certain streets excepted; tunnels under parks and crossing streets; elevated roads.—The said board upon its own motion may proceed, from time to time, to consider and determine whether it is for the interest of the public and of the city in which it is appointed, that a rapid transit railway or railways for the conveyance and transportation of persons and property should be established therein, and upon the request in writing of the local authorities of any such city at any time, the said board shall proceed forthwith to consider and determine the same questions, and in each case the said board shall conduct such an inquest and investigation as may be deemed necessary in the premises. If, after such consideration and inquest, the said board shall determine that a rapid transit railway or railways, in addition to any already existing, are necessary for the interest of the public and such city, it shall proceed to determine and establish the route or routes thereof and the general plan of construction. Such general plan shall show the general mode of operation and contain such details as to manner of construction as may be necessary to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected, and the concurrent votes of at least

four members of the board shall be necessary for the purpose of determining and establishing such route or routes and plan of construction. The said board, from time to time, may locate the route or routes of such railway or railways over, under, upon, through and across any streets, avenues and lands within such city, including blocks between streets or avenues or, partly over, under, upon, through and across any streets, avenues and lands within such city and partly through blocks between streets or avenues; provided that the consent of the owners of one-half in value of the property bounded on and the consent also of the local authorities having control of that portion of a street or highway upon which it is proposed to construct or operate such railway or railways be first obtained, or in case the consent of such property owners can not be obtained, that the determination of three commissioners appointed by the general term of the supreme court in the district of the proposed construction, given after due hearing of all parties interested, and confirmed by the court, that such railway or railways ought to be constructed or operated, be taken in lieu of the consent of such property owners; except that no public park nor any lands or places, lawfully set apart for, or occupied by, any public building of any city or county, or of the state of New York, or of the United States, nor those portions of Grand, Classon, Franklin avenues and Downing street in the city of Brooklyn, lying between the southerly line of Lexington avenue and northerly line of Atlantic avenue, nor that portion of Classon avenue in said city lying between the northerly line of Lexington avenue and the southerly line of Park avenue, nor that portion of Washington avenue in said city lying between Park and Atlantic avenues, nor DeBevoise place, Irving place and Leffert's place, Lee avenue, Nostrand avenue, Waverly avenue, Vanderbilt avenue and Clinton avenue in said city of Brooklyn, nor that portion of the city of Buffalo lying between Michigan and Main streets, nor any part of Fifth avenue in the city of New York, nor that portion of any street or avenue which is now actually occupied by any elevated railroad structure, shall be occupied by any corporation to be organized under the provisions of this act for the purpose of constructing a railway in or upon any of such public parks, lands or places, or upon or along either of the said excepted streets or avenues. It shall be lawful for said commissioners to locate the route of a railway or railways, by tunnel under any such public parks, lands or places and to locate the route of any railway to be built, under this act, across any of the streets and avenues now occupied by an elevated railroad structure in the city of New York or across any of the streets or avenues excepted in this act at any point at which, in its discretion,

the board of rapid transit railroad commissioners may deem necessary in the location of any route or routes. Nothing in this act shall authorize the construction of an elevated railway on Broadway south of Thirty-third street, nor on Madison avenue in the city of New York. It shall not be lawful to grant, use or occupy, for the purposes of an elevated railroad, except for the purpose of crossing the same, any portion of the following named streets and places in the city of New York, that is to say: Second avenue below Twenty-third street; Nassau street; Printing House square, so called, south of Frankfort street; Park row, south of Tryon row; Broad street and Wall street.

§ 5. Transmission of plans, etc.; approval and consent of council; consent of local authorities; consents of property owners; value of property, how determined; proceedings if consent not obtained; notice of application for commissioners; appointment thereof, etc.; determination and report.—After any determination by said board of any such route or routes and of any general plan of construction of said railway or railways, the said board shall transmit to the common council of said city a copy of said plans and conclusions as adopted. It shall be the duty of such common council upon receiving such copy of plans and conclusions to appoint a day not less than one week nor more than ten days after the receipt thereof for the consideration of such plans and conclusions, and the said common council shall, on the day so fixed, proceed with the consideration thereof and may continue and adjourn such consideration, from time to time, until a final vote shall be taken thereon as hereinafter provided. Within four weeks after the copy of such plans and conclusions adopted by the board of rapid transit railroad commissioners shall have first been received by said common council, a final vote shall be taken thereon, by ayes and nays, in the form of a vote upon a resolution to approve such plans and conclusions, and to consent to the construction of a railway or railways in accordance therewith. Upon the adoption of such resolution* a majority vote of all the members of the common council and the approval of the mayor, and in the case of the refusal or failure of the mayor to approve such resolution, then by a two-thirds vote of all the members of the common council, the said plans and conclusions shall be deemed to have been finally consented to and adopted, and such consent shall be deemed to be the consent of the local authorities of such city; provided, that where in any such city the exclusive control of any street,

* So in the original.

road, highway or avenue which is to be used or occupied by any railway or railways constructed under the provisions of this act, is by law vested in any local authority other than the common council of such city, the approval of the aforesaid plans and conclusions and the consent to the construction of a railway thereunder shall be given by such local authority in place of and if required in addition to such approval and consent by said common council and with like effect. Upon obtaining the approval and consent of the local authorities, as above provided, the said board of rapid transit railroad commissioners shall take the necessary steps to obtain, if possible, the said consents of the property owners along the line of said route or routes. For purposes of this act the value of the property bounded on that portion of any street or highway in, upon, over or under which it is proposed to construct or operate such railway or railways, or any part thereof, shall be ascertained and determined from the assessment-roll of the city in which the said property is situated, confirmed or completed last before the local authorities shall have given their consent as above provided. If such consents of property owners can not be obtained, the said board may, in its own name, make application to the general term of the supreme court in the judicial district in which such railway is to be constructed for the appointment of three commissioners to determine and report after due hearing whether such railway ought to be constructed and operated. Two weeks' notice of such application shall be given by daily publication thereof in six daily newspapers published in the city where such proposed railway is to be constructed, if there be so many newspapers published in said city, and if not then in all the daily newspapers published in said city. The newspapers in which said publication shall be made, shall be designated by the general term of the supreme court to which such application is to be made on the application of the commissioners without notice. The said general term, upon due proof of the publication aforesaid, shall appoint three disinterested persons who shall act as commissioners, and such commissioners within ten days after their appointment shall cause public notice to be given in the manner directed by the said general term, of their first sitting and may adjourn from time to time until all their business is completed. Vacancies in such commission may be filled by said general term after such notice to persons interested as the general term may deem proper, and the evidence taken before as well as after such vacancy occurred shall be deemed to be properly before such commissioners. The said commissioners shall determine after public hearing of all parties interested whether such railroad ought to be constructed and operated and shall

report the evidence taken to said general term, together with a report of their determination whether such road ought to be constructed and operated, which report if in favor of the construction and operation of such road shall, when confirmed by said court, be taken in lieu of the consent of the property owners above mentioned. Such report shall be made within sixty days after the appointment of said commissioners, unless the said court or a judge thereof shall extend such time.

§ 6. Detailed plan; subways for pipes and wires; work at points of subsurface structures; expenses, how paid.—When the consents of the local authorities and the property owners, or in lieu thereof, the authorization of the said supreme court upon the report of commissioners, shall have been obtained, the board of rapid transit railroad commissioners shall at once proceed to prepare detailed plans and specifications for the construction of such rapid transit railway or railways, including all devices and appurtenances deemed by it necessary to secure the greatest efficiency, public convenience and safety, including plans and specifications for suitable support, turnouts, switches, sidings, connections, landing places, buildings, platforms, stairways, elevators, telegraph and signal devices and other suitable appliances incidental and requisite to what the said board may approve as the best and most efficient system of rapid transit in view of the public needs and requirements, and the said board may in its discretion include in said plans provisions for subways or tunnels, for sewer, gas or water pipes, electric wires, and other conductors proper to be placed under ground, whenever necessary so to do in order to permit of the proper construction of any railway herein provided for in accordance with the plans and specifications of the said board. Whenever the construction of any railway, depressed way, subway or tunnel under the provisions of this act shall interfere with, disturb or endanger any sewer, water pipe, gas pipe or other duly authorized subsurface structure, the work of the construction at such points shall be conducted in the city of New York, in accordance with the reasonable requirements and under the supervision of the commissioner of public works, and in other cities in accordance with the reasonable requirements and under the supervision of the officer or local authority having the care of and the jurisdiction or control over such subsurface structures so interfered with, disturbed or endangered. All expenses incidental to such supervision and to the work of reconstructing, readjusting and supporting any such sewer, water pipe, gas pipe or other duly authorized subsurface structure shall be borne

and paid by the company which shall have acquired the right, privilege and franchise to construct, maintain and operate such railway, pursuant to a sale of the same at public auction, as hereinafter provided, if any such sale shall be made by said board. (*Thus amended by chap. 752, Laws 1894.*)

§ 7. Public sale of franchise ; notice thereof ; terms and conditions ; supervision of board and engineers ; deposits by bidders ; nullity of bids and rights thereunder ; time for beginning and finishing roads ; forfeiture and resale of franchise ; terms as to organization of corporation, etc. ; rejection and acceptance of bids ; terms on resales ; adjournments ; term of franchise ; proviso as to extension.—If, after having secured the necessary consents and after having prepared such detailed plans and specifications as are by this act provided for, it shall not have been determined by vote of the people as provided by sections twelve and thirteen of this act that such railway or railways shall be constructed for and at the expense of such city as hereafter provided, said board shall sell at public auction in the city where said railway or railways are to be built and for the account and benefit of said city the right, privilege and franchise to construct, maintain and operate such railway or railways. Notice of the time and place of such sale shall be published three times a week for at least six successive weeks in at least three daily newspapers published in said city. The board may prescribe all such terms and conditions of sale as it may deem to be for the interest of the public and of the city in which the railway or railways are to be constructed. The advertisement of sale shall contain only so much of of the said terms, plans and specifications for the construction as the said board may think proper, but such advertisement must state at what place the full terms, plans and specifications may be examined, and they shall be subject to examination under such reasonable rules and regulations as the board may prescribe. The terms of sale shall provide for the construction of the railway or railways under the supervision of the board, and for the approval of an engineer or engineers to be appointed, from time to time, by the board, and the corporation or corporations to be organized for the purpose of construction and operating such railway or railways as in this act provided shall pay such engineer or engineers such salary as may, from time to time, be fixed by the said board of rapid transit railroad commissioners. Such engineer or engineers shall hold their office at the pleasure of the said board. The terms of sale shall require the successful bidder to deposit with the

comptroller or chief fiscal officer of the city, in cash or approved securities, such amount as the board may deem sufficient to constitute a guarantee of full compliance with the terms of sale by the purchaser and by the corporation to be formed for the purpose of building and operating said railway as hereinafter provided. Said bids and all rights which may have been acquired thereunder shall become null and void and of no effect, at the option of said board, should there be a failure to organize a corporation to exercise such rights, privileges and franchises as required by said terms of sale and this act, or for any violation of any of the requirements of said terms of sale which should be complied with before such corporation is organized, and thereupon any deposit which may have been made pursuant to such terms of sale shall be paid into the treasury of such city upon a certificate being made and filed by said board with the public officer with whom such deposit shall have been made, that said bid, and all rights which may have been acquired thereunder, have become null and void and of no effect; and said rights, privileges and franchises shall be again sold by said board, subject to all the provisions of this act regulating such sales. The terms of sale shall require the construction of the road to be begun within a time to be specified in said terms of sale, and to be finished within a certain time thereafter, to be specified therein, and may prescribe the time within which portions of the same shall be begun and finished. The said terms of sale may reserve to the board the power to extend the times for the commencement and completion of the construction of said railway, or of portions of the same, if, in its discretion, the said board deem such extension to be for the best interests of the city. In case the corporation formed for the purpose of constructing said railway shall fail to begin or finish the construction within the times for those purposes respectively limited, all rights, privileges and franchises of such corporations to maintain and operate said railway shall be forfeited, and upon such forfeiture being adjudged by the court in a suit brought for that purpose in the name of the mayor, aldermen and commonalty of the city of New York, or such other appropriate corporate title of said city or by said board of rapid transit railroad commissioners, then the said board shall have power to advertise and resell said rights, privileges and franchises and so much of the road as shall have been constructed by such corporation; such suit shall have preference over all other cases in all courts; and the proceeds of such resale shall be applied first to the payment of the expenses of the resale, and then to the discharge of any liens which may have been created upon such property, and the balance shall be paid over to the said cor-

poration. The terms of sale must provide for the organization by the purchaser or purchasers of such rights, privileges and franchises of a corporation to exercise the same, and to construct, maintain and operate such rapid transit railway or railways, with the powers and subject to the duties and liabilities granted or imposed by this act. The said terms of sale must also specify the amount of the capital of any such corporation, and number of shares of capital stock which such corporation shall be authorized to issue, the percentage to be paid in cash by the subscribers on subscribing for such shares, the maximum amount of the bonded indebtedness which such corporation be authorized to incur, and which may be secured by mortgage upon its property and franchises, and the rates of fares and freights which such corporation may charge and collect for the carriage of persons and property. But the rate of fare for any passenger on said railway from any point on the same northward or southward within the city of New York shall not exceed five cents under any provision of this act. The said board may, if it considers that the public interests requires it to do so, reject all bids and readvertise the said rights, privileges and franchises for sale, with the same or different terms of sale, as often as it may deem necessary in the interests of such city, and shall finally accept that bid which, under all circumstances, in its opinion, is most advantageous to the public and such city; and no bid shall be accepted without the concurrent vote of six members of the board. The terms of sale on any such resale must contain all the provisions required by this act to be inserted in the original terms of sale. Such sale may be adjourned from time to time at the discretion of the board. All sales of such rights, privileges and franchises shall be made for a definite term of years, but the expiration of the term, if sold for a term of years, shall not impair any mortgage or other lien upon the property of such corporation or the rights of any creditor or creditors of such corporation; provided, however, that nothing herein contained shall be so construed as to extend the term for which such rights, privileges, franchises are sold. (*Thus amended by chap. 752, Laws 1894.*)

§ 8. Resale of franchise after expiration of term ; purchasers ; new corporation.— Within one year, and not less than six months prior to the expiration of any term for which such rights, privileges and franchises shall have been sold, said board shall proceed to resell the right to maintain and operate the said railway. Such sale shall be made in the manner prescribed for the original sale, and the board is empowered to make suitable provisions for securing to the corporation then operating such railway or railways suitable compensation for the railroad

structure and appurtenances, and for any other property, real or personal which the said corporation may own or of which it may be vested at the expiration of the term for which such rights, privileges and franchises were sold. Any corporation theretofore organized under the provisions of this act may be a purchaser on such resale; but if no such corporation be the purchaser, a new corporation shall be formed to maintain and operate said road in the manner prescribed for the organization of the corporation on the original sale, except that the plans and specifications according to which said railway has been constructed need not be set out at large, but may be referred to as forming part of the articles of association of said new corporation.

§ 9. **Offices and assistants for board.**—The said board may rent such offices and employ such engineers, attorneys and other persons, from time to time, as it may, in its discretion, deem necessary to the proper performance by it of its duties as in this act prescribed. (*Thus amended by chap. 752, Laws 1894.*)

§ 10. **Appropriations for board; proceedings upon failure to appropriate amount; liability of city; audit and payment of expenditures; revenue bonds, issue of, etc.; repayment of expenses; compensation of commissioners; stated in terms of sale.**—The board of estimate and apportionment or other board or public body on which is imposed the duty, and in which is vested the power, of making appropriations of public moneys for the purposes of the city government in any city in which it is proposed to construct such railway or railways shall, from time to time, on requisition duly made by the board of rapid transit railroad commissioners, appropriate such sum or sums of money as may be requisite and necessary to properly enable it to do and perform, or caused to be done and performed, the duties herein prescribed, and to provide for the compensation of such commissioners, and such appropriation shall be made forthwith upon presentation of a requisition from the board of rapid transit railroad commissioners, which shall state the purposes for which such moneys are required by the said board. In case the said board of estimate and apportionment or such other board or public body fail to appropriate such amount as the board of rapid transit railroad commissioners deem requisite and necessary, the said board of rapid transit railroad commissioners may apply to the general term of the supreme court, in the department in which the railway is to be or has been constructed, on notice to the board of estimate and apportionment, or such

other board or public body aforesaid, to determine what amount shall be appropriated for the purposes required by this section, and the decision of said general term shall be final and conclusive; and no city shall be liable for any indebtedness incurred by the said board of rapid transit railroad commissioners in excess of such appropriation or appropriations. It shall be the duty of the auditor and comptroller of of any such city, after such appropriations shall have been duly made, to audit and pay the proper expenditures and compensation of said commissioners upon vouchers therefor, to be furnished by the said commissioners, which payments shall be made in like manner as payments are now made by the auditor, comptroller, or other public officers, of claims against and demands upon such city; and for the purpose of providing funds with which to pay the said sums, the comptroller or other chief financial officer of said city is hereby authorized and directed to issue and sell revenue bonds of such city in anticipation of receipts of taxes, and out of the proceeds of such bonds to make the payments in this section required to be made. The amount necessary to pay the principal and interest of such bonds shall be included in the estimates of moneys necessary to be raised by taxation to carry on the business of said city, and shall be made a part of the tax levy for the year next following the year in which such appropriations are made. All expenses of the said board of rapid transit railroad commissioners, including the compensation of said commissioners, so incurred and paid by any city as in this section provided, and for which any city shall be liable, shall be repaid, with interest, by the bidder or bidders at the public sale of the rights, privileges and franchises, as in this act provided, in case said board shall so sell the same, whose bid shall be accepted by the board of rapid transit railroad commissioners, and the terms of such sale shall specify the time when such payment shall be made, as well as the amount thereof. The commissioners, other than the mayor and comptroller or other chief financial officer of such city, shall be paid a reasonable compensation for the duties performed by them from time to time, under the provisions of this act. The amount of such compensation shall be determined by the general term of the supreme court in the department in which said city shall be located upon application by said board after notice to the mayor of such city. (*Thus amended by chap. 752, Laws 1894.*)

§ 11. Corporations, how organized; articles of association; approval and filing thereof; subscriptions to stock; meeting of subscribers; preference in subscriptions, etc.—A corporation or corporations to construct and operate such rapid transit railway or railways,

and to enjoy and exercise the rights, privileges and franchises in this act provided for shall be created and organized in the manner following: Articles of association shall be duly signed and acknowledged by not less than twenty-five persons, and such articles shall set forth the name of the proposed corporation and duration thereof. Said articles must also state that they are made and filed under and in pursuance of this act for the purpose of taking and exercising the rights, privileges and franchises so purchased as aforesaid, according to the terms of sale; and such terms of sale and all plans and specifications must be made a part of said articles, annexed thereto and filed therewith. The said articles must also contain such other provisions as the said board may deem requisite and necessary, not inconsistent with the terms of sale or with this act. The said articles must be approved by said board, by the concurrent vote of four members, and its approval must be indorsed thereon and attested by the seal of the board and the signature of its presiding officer, and must then be filed in the office of the secretary of state, and a duly certified copy, or a duplicate thereof, must be filed in the office of the clerk of the county in which such railway or railways are to be constructed. Immediately after the articles of association shall have been so made, approved and filed, the board of rapid transit railroad commissioners shall cause books of subscription to the capital stock of any such corporation to be opened, and shall give public notice of the opening of such books and of the time and place at which subscriptions will be received; and when the full amount of such capital stock shall have been subscribed by not less than fifty persons, and such percentage of the amount subscribed as may have been fixed by the board in the terms of sale shall have been paid in, in cash, to such bank or trust company as the board may select, the said board shall call a meeting of the subscribers for the purpose of organizing the corporation, serving upon or mailing to each subscriber a notice of such meeting at least ten days before the time appointed for holding the same; and the person or persons whose bid shall have been accepted by the said board of rapid transit railroad commissioners shall, if they elect to become subscribers to the capital stock of such corporation, be entitled to a preference for themselves and their associates in subscribing for, and in the allotment of the shares of capital stock of such corporation.

§ 12. Election of first directors; by-laws to be adopted.—At such meeting of subscribers thirteen directors of the corporation shall be elected, each of whom shall be a holder in his own right of at least one hundred shares of the capital stock of the corporation, and the board of

rapid transit railroad commissioners shall appoint the the* inspectors of the first election. Each share of stock shall entitle the holder to one vote for each director. The directors so selected shall hold office for one year and until others are elected in their places. At such meeting by-laws must be adopted not inconsistent with this act, which by-laws shall, among other things, provide for:

1. The term of office of the directors elected at any subsequent meeting of stockholders, which term shall not exceed one year.
2. The manner of filling any vacancy which may occur in any office or in the board of directors.
3. The time and place of the annual meeting of stockholders.
4. The manner of calling and holding special meetings of stockholders.
5. The number of stockholders who shall attend either in person or by proxy, at any stockholders' meeting in order to constitute a quorum.
6. The officers of the corporation, the manner of their election by the directors, and their duties and powers, and among which officers there shall be included a president, a secretary and a treasurer.
7. The manner of electing or appointing inspectors of election.
8. The manner of amending the by-laws.

The by-laws may also provide for the forfeiture of shares for the non-payment of calls and for such other matters as may be deemed proper by the board of rapid transit railroad commissioners and they must be approved by a resolution of said board.

§ 13. Record of proceedings; certificate of organization; record and certificate to be filed; payment of deposit to corporation; repayment to purchaser of franchise.—Within ten days after the said subscribers' meeting a record of the proceedings thereof, containing a copy of the subscription list, a copy of the by-laws adopted, and the names of the directors chosen, shall be prepared and duly certified by the person presiding over, and person acting as secretary of said meeting. There shall be attached thereto a certificate of the board of rapid transit railroad commissioners, attested by its seal and the signature of its presiding officer, that said board has approved the by-laws adopted at the subscribers' meeting, and that said corporation has been organized in accordance with the provisions of this act. The said record and certificate shall be filed by said board in the office of the secretary of state, and a duly certified copy or duplicate thereof shall be filed in the office of the clerk of the county in which said railway or railways are to be built, and thereupon and upon the payment to the state treasurer of a tax

* So in the original.

of one-eighth of one per centum of the par value of the capital stock of said corporation, such corporation shall be deemed to be fully organized. A copy of said certificate, duly certified by the secretary of state, or by the county clerk in whose office it is filed, shall be presumptive evidence of the due organization of such corporation in all courts and proceedings. Upon the production of the certified copy of said certificate, and upon the order of such corporation, the bank or trust company in which the percentage of subscriptions to the capital stock shall have been deposited, shall pay over to any such corporation the amount of such deposit, and said corporation shall repay to the purchaser or purchasers at the sale provided for in section seven of this act, the expenses paid by him or them to the city pursuant to the provisions of the terms of sale, with interest to the date of such repayment.

§ 14. Modification of plans, etc.; certificate thereof; filing of certificate and modified plan.—The said board of rapid transit railroad commissioners, if, in their judgment, the public interest requires, may, at any time after the full organization of any such corporation, by the concurrent vote of four members, authorize such corporation to alter or add to the detailed plans and specifications contained in its articles of association, provided the plans and specifications as so modified do not change the route or routes of said railway and be not inconsistent with the general plan of construction, adopted under the provisions of section four of this act, and provided also such modifications be first approved by a vote of two-thirds of the directors of said corporation present and voting at any special meeting duly called for the purpose, by written notice stating the nature of the business to be transacted at said meeting. When such authorization by the board of rapid transit railroad commissioners shall have been given, a certificate shall be prepared, and acknowledged by the president and a majority of the directors of said corporation, stating the nature of the modification, and that the same has been approved by the board of directors in the manner above set forth, to which certificate there shall be attached a copy of so much of the original plans and specifications as are to be affected by the modification, and also the plans and specifications as modified. There shall also be contained in such certificate a declaration of the approval of said board of rapid transit railroad commissioners, attested in the same manner as the certificate of full organization. The said certificate, plans and specifications shall then be filed in the office of the secretary of state, and a certified copy or duplicate thereof shall be filed in the office of the clerk in which the

articles of association are filed. And thereupon said corporation shall be authorized to construct its railway or railways and appurtenances in accordance with such modified plans and specifications.

§ 15. **Principal office and place of taxation.**—Every corporation organized under this act shall have its principal office and be taxed on its property in the city where its railway or railways are situated. But no taxes of any kind or nature shall be levied or imposed upon that portion of any railway constructed under this act which is in process of construction, and not in actual operation for the transportation of passengers or freight, but this exemption from taxation during construction shall not apply to any portion or portions of said railway after the date on which said portion or portions shall have been opened to the public for the transportation of passengers or freight. (*Thus amended by chap. 556, Laws 1892.*)

§ 16. **Board of directors ; vacancies and qualifications ; exhibition of books.**—The affairs of said corporation shall be managed by a board of thirteen directors, who shall be chosen annually, by a majority of the votes of the stockholders voting at such election, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places. In the election of directors, each stockholder shall be entitled to one vote for each share of stock held by him. Vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation. No person shall be a director unless he shall be a stockholder owning one hundred shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen. At every election of directors the books and papers of such corporation shall be exhibited to the meeting, provided a majority of the stockholders present shall require it.

§ 17. **Payment of subscription to stock.**—The directors shall require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed in money at such times and in such installments as they may deem proper, not inconsistent with the by-laws and the articles of association.

§ 18. **Personal liability of stockholders ; notice and commencement of action ; recovery by stockholder.**—Each stockholder of any corporation formed under this act shall be individually liable to the creditors of such corporation, to an amount equal to the amount unpaid on the stock held by him, for all the debts and liabilities of such corporation,

until the whole amount of the capital stock so held by him shall have been paid to the corporation; and all the stockholders of any such corporation, shall be jointly and severally liable for the debts due or owing to any of its laborers and servants, other than contractors, for personal services, for thirty days' service performed for such corporation, but shall not be liable to an action therefor before an execution or executions shall be returned unsatisfied in whole or in part against the corporation, and the amount due on such execution or executions shall be the amount recoverable, with costs, against such stockholders; before such laborer or servant shall charge such stockholder for such thirty days' service, he shall give him notice in writing within twenty days after the performance of such service, that he intends so to hold him liable, and he shall commence such action therefor within thirty days after the return of such execution unsatisfied, as above mentioned; and every such stockholder against whom any such recovery by such laborer or servant shall have been had, shall have a right to recover the same of the other stockholders in said corporation, in ratable proportion to the amount of the stock they shall respectively hold.

§ 19. **Transfer of stock.**—The stock of every corporation formed under this act shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company, but no share shall be transferable until all previous calls thereon shall have been fully paid in.

§ 20. **Increase or reduction of capital ; notice to stockholders ; statement to be made and filed.**—Any corporation formed under this act may increase or reduce its capital stock from time to time upon obtaining the approval of the board of rapid transit railroad commissioners by a concurrent vote of four members thereof. Such increase or reduction must be approved by a vote in person, or by proxy, of two-thirds in amount of all the stockholders of the corporation, at a meeting of such stockholders called by the directors of the corporation for that purpose, by a notice in writing to each stockholder, to be served on him in the manner provided for service of the notice of the subscribers' meetings provided for in section eleven of this act. Such notice shall state the time and place of the meeting, and its object, and the amount to which it is proposed to increase or reduce the capital stock. A statement of the increase or reduction shall be signed by the president and a majority of the directors and shall be filed in the office of the secretary of state and of the clerk of the county in which the original articles of association are filed. There must be attached

thereto a certificate of the approval of said board of rapid transit railroad commissioners attested in the same manner as the certificate of full organization.

§ 21. Liability of certain holders of stock.—No person holding stock in any such corporation, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a stockholder of such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner, and to the same extent, as the testator or intestate or the ward or person interested in such trust fund would have been if he had been living and competent to act, and held the same stock in his own name.

§ 22. Liability of corporation to employe; of contractors; notice to be given; action when commenced.—As often as any contractor for the construction of any part of a railway, which is in progress of construction under the provisions of this act, shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said road, such laborer may give notice of such indebtedness to said corporation in the manner herein provided; and said corporation shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said corporation therefor. Such notice shall be given by said laborer to said corporation within twenty days after the performance of the number of days' labor for which the claim is made. Such notice shall be in writing, and shall state the amount and number of days' labor, and the time when the same was performed and the name of the contractor from whom due, and shall be signed by such laborer or his attorney, and shall be served on an engineer, agent or superintendent employed by such corporation having charge of the section of the road on which such labor was performed personally, or by leaving the same at the office or usual place of business of such engineer, agent or superintendent with some person of suitable age. But no action shall be maintained against any corporation under the provisions of this section, unless the same be commenced within thirty days after notice is given to such company by such laborer as above provided.

§ 23. Real estate; proceedings to acquire title.—Every such corporation shall have the right to acquire and hold such real estate or easement or other interest therein, or rights appertaining thereto, as may

be necessary to enable it to construct, maintain and operate the said railway, or railways, and such as may be necessary for stations, depot, engine-house, car-houses, machine-shops and other appurtenances specified in the articles of association; and in case any such corporation can not agree with the owner or owners of such property it shall have the right to acquire title to the same in pursuance of the terms of and in the manner prescribed in title one of chapter twenty-three of the Code of Civil Procedure, known as the condemnation law.

§ 24. Corporate powers; voluntary grants; purchase of property; may cross and unite with other roads; compensation; transportation of persons and property; entry upon streets, etc.; construction and maintenance of road; excavations; parks and streets, use or occupancy of; right to borrow money and issue bonds.—Every corporation formed under this act shall have power:

1. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railway or railways, but the real estate received by voluntary grant shall be held and used for the purpose of such grant only.

2. To purchase, lease, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its railway or railways, and the stations or other accommodations necessary to accomplish the objects of its incorporation; but nothing herein contained shall be held as repealing or in any way affecting the act, entitled "An act authorizing the construction of railroads upon Indian lands," passed May twelve, eighteen hundred and thirty-six.

3. To cross, intersect, join and unite its railway or railways with any other railway at any point on its route and upon the grounds of such other railway company, with the necessary turnouts, sidings and switches and other conveniences in furtherance of the objects of its connections. And every corporation whose railway is or shall be hereafter intersected by any new railway, shall unite with the owners of such new railway in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, the same shall be ascertained and determined by commissioners to be appointed by the court, in the manner provided in this act in respect to acquiring title to real estate. And if the two corporations cannot agree upon the points and manner of such crossings and connections, the board of

rapid transit railroad commissioners shall determine the same on the application of either corporation.

4. To take and convey persons and property on its railway or railways by the power or force of steam, or by any motor other than animal power, and to receive compensation therefor not inconsistent with the provisions of this act, and the terms of sale under which the said corporation shall have acquired its rights, privileges and franchises.

5. To enter upon and underneath the several streets, avenues, public places and lands designated by the said board of rapid transit railroad commissioners, and enter into and upon the soil of the same; to construct, maintain, operate and use, in accordance with the plan adopted by said board, a railway or railways upon the route or routes, and to the points decided upon, and to secure the necessary foundations and erect the columns, piers and other structures which may be required to secure safety and stability in the construction and maintenance of the railways constructed upon the plan adopted by the said board, and which may be necessary for operating the same, except that nothing in this act shall authorize the construction of a railway crossing the track of any steam railway in actual operation at the grade thereof, and it shall be lawful to make such excavations and openings along the route through which such railway or railways shall be constructed as shall be necessary from time to time; in all cases the surface of said streets around such foundations, piers and columns shall be restored to the condition in which they were before such excavations were made, as near as may be, and under the direction of the proper local authorities; and in all cases the use of streets, avenues, places and lands designated by the said board, and the right of way through the same, for the purpose of a railway or railways, as herein authorized and provided, shall be considered, and is hereby declared to be a public use, consistent with the uses for which the roads, streets, avenues and public places are publicly held; but no such corporation shall have the right to acquire the use or occupancy of public parks or squares in such county, or the use or occupancy of any of the streets or avenues, except such as may have been designated for the route or routes of such railway, and except such temporary privileges as the proper authorities may grant to such corporations to facilitate such construction.

6. From time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for such purposes; but the amount of such bonds outstanding at any one time shall not exceed the amount limited by the articles of association. (*Thus amended by chap. 556, Laws of 1892.*)

§ 25. **Employees to wear badges.**—Every conductor, baggage master, engineer, brakeman or other servant of any railroad corporation employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letter of the style of the corporation by which he is employed. No conductor or collector, without such badge, shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office; and no officer or servant without such badge shall have authority to meddle or interfere with any passenger, his baggage or property.

§ 26. **Carrying of mails ; extra trains therefor.**—Any such corporation, shall, when applied to by the postmaster-general, convey the mails of the United States on their road or roads respectively ; and in case the parties can not agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and conditions of carrying the same, it shall be lawful for the governor of this state to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place of meeting to the corporation, shall determine and fix the prices, terms and conditions aforesaid; but such price shall not be less for carrying said mails in the regular passenger trains than the amount which such corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the post-office car. And in case the postmaster-general shall require the mail to be carried at other hours, or at a higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed as aforesaid.

§ 27. **Ejection of passengers from cars.**—If any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the train and the servants of the corporation to put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place, on stopping the train.

§ 28. **Running of cars and conveyance of freight and passengers.**—Every such corporation shall start and run its cars for the transportation of passengers and property at regular times, to be fixed by public notice; and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, be offered for transportation at the place of starting and the junction of other railroads, and at usual

stopping places established for receiving and discharging way passengers and freight for that train; and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of the freight or fare legally authorized therefor, and shall be liable to the party aggrieved in an action for damages, for any neglect or refusal in the premises.

§ 29. **Intoxication of employees.**—If any person shall, while in charge of a locomotive engine running upon the railway of any such corporation, or while acting as the conductor of a car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

§ 30. **Willful injury to property.**—If any person or persons shall willfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of any railway corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained in consequence of such offense.

§ 31. **Dissolution by legislature.**—The legislature may, at any time annul or dissolve any corporation formed under this act; but such dissolution shall not take away or impair any remedy given against any such corporations, its stockholders or officers, for any liability which shall have been previously incurred.

§ 32. **Power to fix connecting routes and extend lines; additional tracks and facilities; plans, compensation, etc.; certificate by board; delivery and filing thereof; powers conferred thereupon; right to construct; consent of property owners and local authorities.**—The said board of rapid transit railroad commissioners may also from time to time, upon application of any railway corporation owning or actually operating a railroad wholly or in part within the limits of any city in which the said board has power to act, if in the judgment of said board the public interests so demand, by the concurrent vote of all the members of said board fix and determine the route or routes by which any such railway company may connect with other steam railways, or the stations thereof, or with steam ferries, or may extend its lines within said city and may authorize any such railway company to lay an additional track or tracks on, above, under or contiguous to a portion or the whole of the route or routes of its

railway or railways within said city and to acquire terminal or other facilities necessary for the accommodation of the traveling public on any street or place except the place now known as Battery park on which said railway shall be located; and the said board shall fix and determine, the locations and plans of construction of the railways upon such route or routes and of such tracks and facilities, the times within which they shall be respectively constructed, the compensation to be made therefor to the city by said railway company, and such other terms, conditions and requirements as to the said board may appear just and proper. A certificate shall be prepared by the said board, attested by its seal and the signatures of its presiding officer, setting forth in detail the action taken by the said board with respect to such connecting or extended route or routes and such tracks and facilities, and the terms, conditions and requirements aforesaid. Such certificates shall be delivered to said railway corporation upon the receipt by said board of a written acceptance of said terms, conditions and requirements, duly executed by said railway corporation, so as to entitle it to be recorded. The said certificate shall be filed in the office of the secretary of state, and a duly certified copy thereof shall be filed in the office of the clerk of the county in which the railways of said railway corporation are situated, and thereupon, and upon fulfillment by such railway corporation, so far as it relates to such connections, additional track or tracks, or facilities, of such of the requirements and conditions as are necessary to be fulfilled in such cases, under section eighteen of article three of the constitution of this state, and upon fulfillment by such railway corporation of such other terms, conditions and requirements enumerated in said certificate, as the said board may require to be fulfilled as a condition precedent to commencing said work, said railway company shall in such cases possess in addition to existing franchises all the powers conferred by this act upon corporations specially formed thereunder, with respect to its railways authorized to be constructed as aforesaid, and when any route or routes, additional track or tracks, or terminal or other facilities, shall be so fixed and determined, and a certificate as aforesaid shall have been duly filed, such railway company may construct the same with all the rights, and with like effect as though the same had been a part of the original route of its railway then in actual operation. But the construction and operation of such connections, extensions, additional track or tracks, or facilities, are hereby authorized only upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or high-

way upon, above or under which it is proposed to construct or operate the same, be first obtained, or in case the consent of such property owners can not be obtained, the general term of the supreme court in the district in which they are proposed to be constructed, may, upon application, in the same manner and on the same notice specified in section five of this act, appoint three commissioners, who shall determine after a hearing of all parties interested, whether the same ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

§ 33. Removal of horse railway tracks; costs and charges.—Wherever the route selected by the said board of rapid transit railroad commissioners for the construction of such railway shall intersect, cross or coincide with any railway track or tracks occupying the surface of any street or avenues, any corporation organized under this act is hereby authorized, for the purpose of constructing the said work, to remove the track or tracks of any such surface railway or railways, but the same shall be done in such manner as to interfere as little as possible with the practical operation or workings of such surface railway or railways, and upon the construction of such railway built under and in conformity with the provisions of this act, where such removals or changes have been made, the same shall be restored, as nearly as may be, to the condition in which they were previous to the construction of any such railway built under the provisions of this act, and any damage which such company or companies may sustain, shall be ascertained by a commission to be appointed the same as in the case where lands are taken for the purposes of a railway route or routes as hereinbefore provided in this act. All such removals and restorations shall be made at the proper cost and charge of such corporation as may have entered upon the occupancy of such street or streets. Nothing contained in this act shall authorize any corporation formed thereunder to use the tracks of any horse railway.

§ 34. In case the people shall determine by vote, as hereinafter provided in sections twelve and thirteen of this act, that any such railway or railways shall be constructed for and at the expense of such city, then and in that event it shall be the duty of said board to consider the routes, plans and specifications, if any, previously laid out and adopted by them or their predecessors, and for which the consents have been obtained referred to in section five of this act; and either to proceed with the construction of such railway or railways, and provide for the operation of the same, as hereinafter provided, or to change and

modify the said routes, plans or specifications in such particulars as to said board may seem to be desirable, or to adopt other or different routes, plans and specifications for such railway or railways, provided, always that in all cases in which any such change or modification shall be of such a character as to require the consents thereto referred to in section five of this act, and in all cases where other or different routes and plans may have been so adopted the said board shall proceed to secure the consents required to be obtained by section five of this act as therein set forth. As soon as such consents, where necessary, shall have been obtained, and the detailed plans and specifications have been prepared as provided in section six of this act, the said board, for and in behalf of said city, shall enter into a contract with any person, firm or corporation, which in the opinion of said board shall be best qualified to fulfill and carry out said contract, for the construction of such road or roads, upon the routes and in accordance with the plans and specifications so adopted, for such sum or sums of money, to be raised and paid out of the treasury of said city, as hereinafter provided, and on such terms and conditions, not inconsistent with the aforesaid plans and specifications, as said board shall determine to be best for the public interests. And said board may contract for the construction of the whole road, or all the roads provided for by the aforesaid plans in a single contract, or may by separate contracts, executed from time to time, provide for the construction of parts of said road or roads as the necessities of said city and the increase of its population may in the judgment of said board require. Such contract shall also provide that the person, firm or corporation so contracting to construct said road or roads shall, at his or its own cost and expense, equip, maintain and operate said road or roads for a term of years to be specified in said contract, not less than thirty-five nor more than fifty years, and upon such terms and conditions as to the rates of fare to be charged and the character of service to be furnished and otherwise as said board shall deem to be best suited to the public interests, and subject to such public supervision and to such conditions, regulations and requirements as may be determined upon by said board. Such contract shall further provide that the person, firm or corporation so contracting to construct, maintain and operate said road shall annually pay into the treasury of said city, as rental for the use of said road, a sum, to be specified in said contract, which shall not be less than the annual interest upon the bonds to be issued by said city for the construction of said road as hereinafter provided for, and a sum, in addition to said interest, not less than one per centum per annum upon the whole amount of said bonds

The aforesaid annual rental shall be paid at such times during each year as said board shall require, and shall be applied first to the payment of the interest on said bonds, as the same shall accrue and fall due, and the remainder of said rental not required for the payment of said interest shall be paid into the sinking fund, for the payment of the city debt, if there shall be such sinking fund in said city, or, if there be none such, then said balance of said rental shall be securely invested, and with the annual accretions of interest thereon, shall constitute a sinking fund for the payment and redemption at maturity of the bonds issued, as hereinafter provided. Said contract may also provide for a renewal or renewals of the lease of said road upon the expiration of the original term and of any renewals of the same upon such terms and conditions as to said board may seem just and proper, and may also contain provisions for the valuation of the whole or a part of the property of said contracting person, firm or corporation, employed in and about the equipment, maintenance and operation of said road, and for the purchase of the same by the city, at such valuation, or a percentage of the same, should said lease not be so renewed at any time. Said contract may provide for the construction of said road in sections, and in all cases shall specify when the construction of said road, or sections of the same shall be commenced, and, in each case, the date of completion. It shall also state the date on which the operation of the road, or of any section thereof, shall commence. The person, firm or corporation so contracting for the construction, equipment, maintenance and operation of said road, shall give a bond to said city, in such amount as said board of rapid transit railroad commissioners shall require, and with sureties to be approved by said board, who shall justify in the aggregate in double the amount of said bond. Said bond shall be a continuing security, and shall provide for the prompt payment by said contracting person, firm or corporation, of the amount of annual rental specified in the aforesaid contract, and also for the faithful performance by said contracting person, firm or corporation, of all the conditions, covenants and requirements specified and provided for in said contract. The said contracting person, firm or corporation shall also, simultaneously with the execution and delivery of said contract, deposit with the comptroller or other chief financial officer of such city the sum of one million dollars as further security for the faithful performance by such contracting person, firm or corporation, of all the covenants, conditions and requirements specified and provided for in said contract relating to the construction and equipment of said road, and the city in and for which said road shall be constructed shall also have

a first lien upon the rolling stock and other property of said contracting person, firm or corporation, constituting the equipment of said road and used or intended for use in the maintenance and operation of the same, as further security for the faithful performance by such contracting person, firm or corporation of the covenant, conditions and agreements of said contract on his, their or its part to be fulfilled and performed, and in case of the breach of any such covenant, condition and agreement said lien shall be subject to foreclosure by action, at the suit of such city, in the same manner, as far as may be, as is then provided by law in the case of foreclosure by action of mortgages on real estate. The said board of rapid transit railroad commissioners may, however, from time to time, by a concurrent vote of all the members of said board, relieve from such lien, any of the property to which the same may attach, upon receiving additional security which may be deemed by said board so voting to be the equivalent of that which it is proposed to release and otherwise upon such terms as to such board so voting shall seem just. Upon the completion of the construction and equipment of said road to the satisfaction of said board, and when the operation of the same shall have commenced pursuant to said contract it shall be the duty of the comptroller or other chief financial officer to pay to the said contracting person, firm or corporation said sum of one million dollars so to be deposited as above provided, and said contracting person, firm or corporation shall also be then entitled to be credited upon the rental which he, they, or it shall have contracted to pay to said city for the use of said road a sum which shall be equal to the interest on the sum of one million dollars for the time of such deposit at the rate of interest provided for in the bonds which shall have been issued and sold by the city to provide for the construction of said road. The said contract shall further provide that in case of default in paying the annual sum or rental therein provided for, or in case of the failure or neglect on the part of said contracting person, firm or corporation, faithfully to observe, keep and fulfill the conditions, obligations and requirements of said contract, the said city, by its board of rapid transit railroad commissioners, may take possession of said road and the equipment thereof, and as the agent of said contracting person, firm or corporation, either maintain and operate said road, or enter into a contract with some other person, firm or corporation for the maintenance and operation thereof, retaining out of the proceeds of such operation, after the payment of the necessary expenses of operation and maintenance, the annual rental hereinbefore referred to, and paying over the balance, if any, to the person, firm or corporation with

whom the first contract above mentioned was made, and if such proceeds of the operation of said road, after the payment of the necessary expenses of maintenance and operation, including the keeping in repair of the rolling stock and other equipment, shall in any year be less than the annual rental hereinbefore referred to and provided in the first contract, then and in that case, the said contracting person, firm or corporation and his or its bondsmen, shall be and continue jointly and severally liable to the aforesaid city for the amount of such deficiency until the end of the full term for which the said first contract was originally made. No contract entered into under authority of this act shall be assigned without the written consent of the said board of rapid transit railroad commissioners concurred in by all the members of said board. (*Thus amended by chap. 752, Laws 1894.*)

§ 35. The person, firm or corporation operating such road, shall be exempt from taxation in respect to his, their or its interest therein under said contract and in respect to the rolling stock and other equipment of said road, but this exemption shall not extend to any real property which may be owned and employed by said person, firm or corporation in connection with the construction or operation of said road. (*Thus amended by chap. 752, Laws 1894.*)

§ 36. The said board of rapid transit railroad commissioners before awarding any contract or contracts shall advertise for proposals for such contracts by a notice to be printed twice a week for three successive weeks in not less than four of the daily newspapers published in said city, and in such newspapers published elsewhere than in said city as said board shall determine. Such notice shall set forth and state the points within said city, between which said road or roads is or are to run, the general method of construction, the route or routes to be followed, the term of years for which it is proposed to make such contract, and such other details and specifications as said board shall deem to be proper. Said notice shall state the time and place at which said proposals will be opened, and the said board shall attend at the time and place so specified, and shall publicly open all proposals that shall have been received, but the said board shall not be bound to accept any proposals so received, but may reject all such proposals and readvertise for proposals in the manner hereinbefore provided, or may accept any of such proposals as will, in the judgment of such board, best promote the public interest, and award a contract accordingly. All contracts made under authority of this act must, before execution, be approved as to form by the counsel to the corporation or other chief legal adviser to said city. (*Thus amended by chap. 752, Laws 1894.*)

§ 37. For the purpose of providing the necessary means for such construction, at the public expense, of any such road or roads, the board of estimate and apportionment, or other local authority in said city, in which such road or roads are to be constructed, having power to make appropriations of moneys to be raised by taxation therein, from time to time, and as the same shall be necessary, and upon the requisition of said board of rapid transit railroad commissioners, shall direct the comptroller, or other chief financial officer of said city, and it shall thereupon become his duty to issue the bonds of said city at such a rate of interest, not exceeding three and one-half per centum per annum, as said board of estimate and apportionment, or other local authority directing the issue of such bonds, may prescribe. Said bonds shall provide for the payment of the principal and interest in gold coin of the United States of America. They shall not be sold for less than the par value thereof, and the proceeds of the same shall be paid out and expended for the purposes for which the same are issued, upon vouchers certified by said board of rapid transit railroad commissioners. Said bonds shall be free from all taxation for city and county purposes, and shall be payable at maturity out of the sinking fund for the payment of the city debt, if there be such a sinking fund of said city; but if there be no such sinking fund, then out of a sinking fund to be established and created out of the annual rentals of said road as hereinbefore provided. The amount of bonds authorized to be issued and sold by this section shall not exceed fifty millions of dollars, par value, without the consent of the legislature first had and obtained. (*Thus amended by chap. 752, Laws 1894.*)

§ 38. The board of rapid transit railroad commissioners, for and on behalf of the said city in which such road or roads may be constructed, may, from time to time, with the concurrence of all the members of said board and the consent, in writing, of the bondsmen or sureties of the person, firm or corporation which has contracted to construct, equip, maintain and operate said road or roads, or any of them, agree with said contracting person, firm or corporation upon changes in and modifications of said contract, or of the plans and specifications upon which said road or roads is or are to be constructed, but no change or modifications in the plans and specifications consented to and authorized pursuant to section five of this act shall be made without the further consent and authorization provided for in said section; but in no event shall the annual rental to be paid to said city, for the use of said road, be reduced below the minimum rate hereinbefore provided. (*This sec-*

tion added by chap. 752, Laws 1894) see also chapter 102, Laws 1892, published at end of this act.

§ 39. For the purpose of constructing any such road the said board for and in behalf of said city may acquire, as in this act provided, any real estate, and any rights, terms, and interest therein, and any and all rights, privileges, franchises and easements, which, in the opinion of the board, it shall be necessary to acquire or extinguish for the purpose of constructing and operating such road. (*This section added by chap. 752, Laws 1894.*)

§ 40. It shall and may be lawful for said board, and for all persons acting under its authority, to enter in the daytime into and upon any and all lands and property which it shall deem necessary to be acquired, or to which there may be appurtenant rights, terms, franchises, easements or privileges which it shall deem necessary to be acquired or extinguished by said city, for the purpose of making the maps or surveys hereinafter mentioned, and also to enter in like manner and for the same purpose upon any property adjacent to and within five hundred feet of the property to be so surveyed; and the said board shall cause three similar maps or plans to be made of each parcel of property which it may deem necessary so to be acquired, or to which there may be appurtenant rights, terms, franchises, easements or privileges necessary so to be acquired or extinguished, designating each of said parcels by a number, and upon each map or plan so made the said board shall cause to be clearly indicated the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of this act, in relation to each and every piece or parcel of property described upon said map or plan. The said board shall have power to cause a triplicate set of maps or plans as herein provided for to be made as often and at such times as said board shall determine, and each set of maps or plans so made shall contain the particulars above enumerated within such district as said board shall in each case provide. The maps or plans herein provided for, when approved and adopted by said board, shall have written thereon a certificate of such approval, signed by the members of said board adopting and approving the same, and one copy thereof shall be filed in the department of public works, or other chief executive department having principal charge of the streets, there to remain as a public record, and the other two of said maps shall be transmitted to the counsel to the corporation or other principal legal adviser of said city. The said board may from time to time make and file further maps amending those already filed, but not so as to defeat or impair

any property or interest which shall have been already acquired, or to revive any interest or right which may have been already extinguished by the said city. (*This section added by chap. 752, Laws 1894.*)

§ 41. Whenever and as often as the said board shall deem it to be necessary and proper that the said city should acquire any such property and shall have caused to be made, as provided in the last preceding sections, the maps or plans specifying and defining the said property to be acquired, or to which are appurtenant the rights, terms, franchises, easements or privileges to be acquired or extinguished, and shall have certified and filed and transmitted the several copies of such maps or plans as in the last section prescribed, the said board may direct the counsel to the corporation or other principal legal adviser of said city, to take legal proceedings to acquire the same for the said city, and the said counsel to the corporation, or other principal legal adviser, shall thereupon take proceedings as in this act provided. (*This section added by chap. 752, Laws 1894.*)

§ 42. The said counsel to the corporation, or other principal legal adviser of said city, shall cause one of the maps or plans, so as aforesaid transmitted to him, to be filed in the office of the register of the county, or if there be no such register, then in the office of the county clerk of the county in which said city is situated. The map, hereinafter denominated the third map, being the other one of the two so as aforesaid transmitted to said counsel to the corporation, or other legal adviser, shall be disposed of as hereinafter provided. (*This section added by chap. 752, Laws 1894.*)

§ 43. After the said map or plan shall have been filed as hereinbefore provided in the office of the register or county clerk of said county, the said counsel to the corporation, or other principal legal adviser, for and on behalf of the said city, shall, upon first giving the notice required by the next section of this act, apply to the supreme court at any special or general term thereof, to be held in the judicial district in which said city is situated, for the appointment of commissioners of appraisal. Upon such application he shall present to the court a petition, signed by the members of said board and verified in the manner prescribed by law for the verification of pleadings, according to the practice of said court, setting forth the action theretofore taken by said board, and the filing of said maps and praying for the appointment of such commissioners of appraisal. Such petition shall contain a general description of all the property to, or in or over or appurtenant to which any title, interest, right, franchise, easement, term or privilege is sought to be acquired or extinguished by the said city for public purposes, each lot

or parcel being more particularly described by a reference to the number of said lot or parcel as given on said maps, and the title, interest, right, easement, term or privilege sought to be acquired, or extinguished, to, or in or over or appurtenant to each of said lots or parcels shall be stated in said petition. (*This section added by chap. 752, Laws 1894.*)

§ 44. The said counsel to the corporation, or other principal legal adviser, shall give notice by publication in two public newspapers published in the said city, of his intention to make application to the said court for the appointment of such commissioners of appraisal, which notice shall state the time and place of such application, shall briefly state the object of the application and shall describe the property sought to be acquired or affected. A statement of the location and boundaries of the several lots or parcels of property sought to be taken or affected, and a brief statement as to each of said lots or parcels of the title, interest, rights, easements, terms or privileges therein or appurtenant thereto, sought to be acquired or extinguished with a reference to the dates and places of filing the said maps shall be a sufficient description of the property sought to be so taken or affected. Such notice shall be so published continuously in each issue of said newspapers for six weeks immediately previous to the time fixed in said notice for the presentation of each petition. (*This section added by chap. 752, Laws 1894.*)

§ 45. At the time and place mentioned in said notice, unless the said court shall adjourn said application to a subsequent date, and in that event at the time to which the same may be adjourned, the court, upon due proof to its satisfaction of the publication aforesaid, and upon filing the said petition, shall make an order for the appointment of three disinterested freeholders, residents in said city, as commissioners of appraisal, to ascertain and appraise the compensation to be made to the owners of property so to be taken or extinguished for the purposes indicated in this act. Such order shall fix the time and place for the first meeting of the commissioners. (*This section added by chap. 752, Laws 1894.*)

§ 46. The said commissioners shall take and subscribe the oath required by the twelfth article of the constitution of the state of New York, and shall forthwith file the same in the office of the clerk of the county in which said city is situated. (*This section added by chap. 752, Laws 1894.*)

§ 47. On filing said oath in the manner provided in the last section, the said city shall be and become seized and possessed in fee or absolute ownership of all those parcels of property which are on the maps

referred to in section forty of this act, described as parcels of property which are to be acquired, and also shall become seized and possessed of all the rights, terms, franchises, easements or privileges appurtenant to any lots or parcels of property indicated on said maps as parcels in regard to which it is deemed necessary to acquire such rights, terms, franchises, easements or privileges, or the said rights, terms, easements or privileges shall be extinguished as the case may be; and the said city, may immediately or at any time or times thereafter take possession of the said property, or of any part or parts thereof without any suit or proceeding at law for that purpose and the said board and the said city, or any person or persons acting under their or its authority, may enter upon and use and occupy in perpetuity all the parcels of property and all the rights, terms, franchises, easements or privileges appurtenant to any of the parcels of property described on said map, for any of the purposes authorized and provided for by this act. (*This section added by chap. 752, Laws 1894.*)

§ 48. Any one of said commissioners of appraisal may issue subpoenas and administer oaths to witnesses, and they or any one of them, in the absence of the others, may adjourn the proceedings, from time to time in their discretion, but they shall continue to meet from time to time as may be necessary to hear, consider and determine upon all claims which may be presented to them under any of the provisions of this act. In case of the death, resignation, refusal or neglect to serve of any commissioner of appraisal, the remaining commissioner or commissioners shall, upon ten days' notice, to be given by advertisement in the newspapers mentioned in section forty-four of this act, apply to the supreme court, at a special or general term thereof, to be held in the judicial district in which said city is situated, for the appointment of a commissioner or commissioners to fill the vacancy or vacancies so occasioned. In case of the death, resignation or refusal to serve of all the commissioners of appraisal, the said counsel to the corporation, or other principal legal adviser to said city, shall, on giving the notice required in this section, apply to the said court for the appointment of other commissioners of appraisal. It shall be the duty of the commissioners of appraisal to procure from the counsel to the corporation, or other principal legal adviser, the third map provided for in the sections forty and forty-two of this act. They shall view the property laid down on said map, and shall hear the proofs and allegations of any owner, lessee or other person in any way entitled to or interested in the property to be acquired or extinguished, or any part or parcel thereof, and also such proofs and allegations as may be offered on behalf of the

said city. They shall reduce the testimony, if any, taken before them to writing, and after the testimony is closed, they, or a majority of them, all having considered the same, and having an opportunity to be present, shall, without unnecessary delay, ascertain and determine the compensation which ought justly to be made by the said city to the owners or persons interested in the property acquired or extinguished by said proceedings. The said commissioners of appraisal shall make reports of their proceedings to the supreme court, as in the next section provided, with the minutes of the testimony taken before them, if any, and they shall be entitled to the payment hereinafter provided for their services and expenses, to be paid from the fund hereinafter specified. (*This section added by chap. 752, Laws 1894.*)

§ 49. The said commissioners shall prepare a report, to which shall be annexed the third copy of the map referred to in section forty-two of this act and therein denominated the third map. The said report shall contain a brief description of the property so taken or affected, with a reference to the map upon which the same is required to be indicated; a statement of the sums estimated and determined upon by them, as a just compensation for the same to be made by the city to the owners or persons interested therein and the names of such owners and persons; but in all and each and every case or cases where one or more of the owners and persons interested, or their respective estates or interests, are unknown, or not fully known, to the commissioners of appraisal, it shall be sufficient for them to set forth and state in general terms the respective sums to be allowed and paid to the owners of and persons interested therein, generally, without specifying the names or estates or interests of such owners or persons interested, or any or either of them. (*This section added by chap. 752, Laws 1894.*)

§ 50. Said report, signed by said commissioners, or a majority of them, shall be filed in the office of the clerk of the county in which said city is situated, and the commissioners of appraisal shall, in each case, notify the counsel to the corporation, or other principal adviser to said city, as soon as any such report is filed. (*This section added by chap. 752, Laws 1894.*)

§ 51. The counsel to the corporation, or other principal legal adviser, or, in case of his neglect, to do so within ten days after receiving notice of such filing, then any person interested in the proceedings, shall give notice that the said report will be presented for confirmation to the supreme court, at a special term thereof, to be held in the judicial district in which said city is situated, at a time and place to be specified in said notice. The said notice shall contain a statement of the time

and place of the filing of the report, and shall be published in two daily newspapers published in such city, for at least four weeks immediately prior to the presentation of said report for confirmation. (*This section added by chap. 752, Laws 1894.*)

§ 52. The application for the confirmation of the report shall be made to the supreme court at a special term thereof, held in the judicial district in which said city is situated. Upon the hearing of the application for the confirmation thereof, the said court shall confirm such report and make an order containing a recital of the substance of the proceedings in the matter of the appraisal, with a general description of the property appraised and for which compensation is to be made, and shall also direct to whom the money is to be paid, and whether or not any part thereof, and, if so, what part, is to be deposited by the comptroller or other chief financial officer of said city with the chamberlain of said city, or if there be no chamberlain, with a bank or trust company to be designated by said court. Such report when so confirmed shall, except in the case of an appeal, as hereinafter provided, be final and conclusive, as well upon the said city as upon owners and all persons interested in or entitled to said property, and also upon all other persons whomsoever. (*This section added by chap. 752, Laws 1894.*)

§ 53. The said city shall, within four calendar months after the confirmation of the report of the commissioners of appraisal, pay to the respective owners and bodies politic or corporate mentioned or referred to in said report, in whose favor any sum or sums of moneys shall be estimated and reported by said commissioners, the respective sum or sums so estimated and reported in their favor respectively, with legal interest thereon from the date of filing the oath of said commissioners, and in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons or bodies politic or corporate, in whose favor the same shall be so reported, his, her or their executors, administrators, successors or assigns at any time or times after application first made by him, her or them to the comptroller or other chief financial officer of said city for payment thereof, may sue for and recover the same, with lawful interest as aforesaid, and the costs of suit, in any proper form of action against the said city in any court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this act for property taken or extinguished for the purposes herein mentioned, and the report of said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or

sums demanded, shall be conclusive evidence in such suit or action (*This section added by chap. 752, Laws 1894.*)

§ 54. Whenever the owner or owners, person or persons interested in any property taken or affected in such proceeding, or in whose favor any such sum or sums or compensation shall be so reported, shall be under the age of twenty-one years, or of unsound mind or absent from the city, and also in all cases where the name or names of the owner or owners, person or persons, interested in any such property shall not be set forth or mentioned in said report or where the said owner or owners, person or persons, being named therein, can not, upon diligent inquiry, be found, or where there are adverse or conflicting claims to the money awarded as compensation, it shall be lawful for the said city to pay the sum or sums mentioned in said report, payable, or that would be coming to such owner or owners, person or persons, respectively, with interest, as aforesaid, to the chamberlain of said city, or, if there be no chamberlain, then to any bank or trust company designated by the court in the order confirming the report of the commissioners of appraisal, to the credit of such owner or owners, person or persons, and such payment shall be as valid and effectual in all respects as if made to the said owner or owners, person or persons, interested therein, respectively, according to their just rights; and, provided, also, that in all and each and every such case and cases where any sum or sums or compensation reported by the commissioners in favor of any person or persons or parties whatsoever, whether named or not named in said report, shall be paid to any person or persons, or party or parties, whomsoever, when the same shall of right belong and ought to have been paid to some other person or persons, or party or parties, it shall be lawful for the person or persons, or party or parties, to whom the same ought to have been paid, to sue for and recover the same, with lawful interest and costs of suit, as so much money had and received to his, her or their use by the person or persons, party or parties, respectively, to whom the same shall have been so paid. (*This section added by chap. 752, Laws 1894.*)

§ 55. Every owner or person in any way interested in any property taken or extinguished as contemplated in this act, if he intends to make claim for compensation for such taking or extinguishment, shall within three years after the appointment of the commissioners of appraisal exhibit to the said commissioners a statement of his claim, and shall thereupon be entitled to offer testimony and to be heard before them touching such claim and the compensation proper to be made him, and

to have a determination made by such commissioners of appraisal as to the amount of such compensation. Every person neglecting or refusing to present such claim within said time shall be deemed to have surrendered his claim for such compensation, except so far as he may be entitled, as such owner or person interested, to the whole or a part of the sum of money awarded by the commissioners of appraisal as a just compensation for taking or extinguishing the property owned by said person, or in which the said person is interested. (*This section added by chap. 752, Laws 1894.*)

§ 56. Payment of the compensation awarded by said commissioners of appraisal to the persons named in their report (if not infants or persons of unsound mind), shall, in the absence of notice to the said city or other claimants to such award, protect the said city. (*This section added by chap. 752, Laws 1894.*)

§ 57. Said commissioners of appraisal may in their discretion take up any specified claim or claims, and finally ascertain and determine the compensation to be made thereon, and make a separate report with reference thereto, annexing to said report a copy of so much of the map referred to in section forty-two of this act as indicates the property so reported on. Such report shall, as to claims therein specified, be the report required in this act, and the subsequent action with reference thereto, shall be had in the same manner as though no other claim were embraced in said proceeding, which, however, shall continue as to all claims upon which no such determination and report is made. (*This section added by chap. 752, Laws 1894.*)

§ 58. Within twenty days after notice of the confirmation of the report of the commissioners, as provided for in section fifty-two of this act, which notice may, as to parties who have not appeared before the commissioners, be given in the manner provided in section fifty-one of this act, either party may appeal to the general term of the supreme court in the department in which such commissioners were appointed, from the appraisal and report of the commissioners and the order confirming the same. Such appeal shall be heard upon due notice thereof being given according to the rules and practice of said court. On the hearing of such appeal the court may direct a new appraisal and determination of any question passed upon, by the same or new commissioners, in its discretion, and from any determination of the general term either party, if aggrieved, may take an appeal, which shall be heard and determined by the court of appeals. In case of a new appraisal the second report shall be final and conclusive on all the parties and persons interested. If the amount of compensation to be

made by such city is increased by the second report, the difference shall be paid by the comptroller or other chief financial officer of said city, to the parties entitled to the same, or shall be deposited with the chamberlain, or bank or trust company, as the court may direct, and if the amount is diminished the difference shall be refunded to the said city by the party to whom the same may have been paid, and judgment therefor may be rendered by the court on the filing of the second report against the party liable to pay the same. But the taking of an appeal by any person or persons shall not operate to stay the proceedings under this act except as to the particular property with which the said appeal is concerned. Such appeal shall be heard upon the evidence taken before said commissioners, and any affidavits as to irregularities, and three printed copies of such evidence shall be furnished by the said city to the party taking the appeal, within ten days after the appeal is perfected, and such appeal may be heard on the evidence so furnished, and may be taken without security thereon. (*This section added by chap. 752, Laws 1894.*)

§ 59. The supreme court in the judicial district in which said city is situated shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, and to direct such further notices to be given to any party in interest as it deems proper, and also to appoint other commissioners in place of any who shall die or refuse or neglect to serve or be capable of serving, or be removed. And the said court may at any time remove any commissioner of appraisal who in its judgment shall be incapable of serving, or who shall for any reason in its judgment be an unfit person to serve as such commissioner. The cause of such removal shall be specified in the order making the same. If in any particular it shall at any time be found necessary to amend any pleading or proceeding or to supply any defect therein arising in the course of any special proceeding authorized by this act, the same may be amended or supplied in such manner as shall be directed by the supreme court, which is hereby authorized to make such amendment or correction. (*This section added by chap. 752, Laws 1894.*)

§ 60. All property acquired under the provisions of this act shall be and shall be deemed to have been acquired for public uses and purposes, and for the purpose of affording increased facilities for rapid transit between points within the city acquiring such property. (*This section added by chap. 752, Laws 1894.*)

§ 61. The moneys necessary and sufficient to be paid for any property, acquired in any manner under the provisions of this act, together

with all expenses necessarily incurred in surveying, locating and acquiring title to such property, and for surveying and locating the same, and for preparing the necessary maps and plans in connection therewith, shall be raised and paid out of the proceeds of bonds issued and sold as provided by section thirty-seven of this act, and all such expenses as well as those incurred as provided in the next section shall be deemed a part of and included in the cost of constructing the road or roads, the construction of which rendered it necessary to acquire the property in the course of the acquisition of which such expenses may be incurred. (*This section added by chap. 752, Laws 1894.*)

§ 62. The commissioners of appraisal appointed in pursuance of this act shall receive as compensation the sum of ten dollars per day for each day actually employed. They may employ the necessary clerks, stenographers and surveyors. The counsel to the corporation or other principal legal adviser to said city shall, either in person or by such counsel as he shall designate for the purpose, appear for and protect the interests of the city in all such proceedings in court and before the commissioners. The fees of the commissioners and the salaries and compensation of their employes, and all other necessary expenses in and about the said proceedings provided for by this act, and such allowance for counsel fees as may be made by order of the court, and all reasonable expenses incurred by said counsel to the corporation, or other principal legal adviser of said counsel designated by him for the proper presentation and defense of the interests of said city before said commissioners and in court, shall be paid by the comptroller or other chief financial officer of said city out of the funds referred to in the last preceding section. But such fees and expenses shall not be paid until they have been taxed before a justice of the supreme court in the judicial district in which said city is situated upon five days' notice to the counsel to the corporation, or other chief legal adviser of said city. Such allowance shall, in no case, exceed the limits prescribed by section thirty-two hundred and fifty-three of the code of civil procedure. (*This section added by chap. 752, Laws 1894.*)

§ 63. In case it shall be determined by vote of the people as provided by sections twelve and thirteen of this act, to construct by and at the city's expense, then and in that event the road or roads so constructed shall be and remain the absolute property of the city so constructing it or them, and shall be and be deemed to be a part of the public streets and highways of said city, to be used and enjoyed by the public upon the payment of such fares and tolls, and subject to such reasonable rules and regulations as may be imposed and provided

for by the board of rapid transit railroad commissioners in said city. (*This section added by chap. 752, Laws 1894.*)

§ 64. Construction of act.—This act shall not be construed to repeal or in any manner affect chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act to further provide for the construction and operation of a steam railway or railways in the counties of this state," or the acts amendatory thereof or supplementary thereto, or article five of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, known as the railroad law, except so far as the said acts, or either of them, would if this act had not been passed, authorize the appointment hereafter of any commissioners applied for as provided in section one of said act of eighteen hundred and seventy-five, or in section one hundred and twenty of said act of eighteen hundred and ninety, in any city or cities containing a population of over one million inhabitants, according to the last preceding national or state census or authorize any commissioners already appointed pursuant to the provisions of such act or acts in any such city or cities, to fix, determine or locate any new route or routes, pursuant to the provisions of either of said acts. This act shall not be construed in any manner to affect the exercise or enjoyment at any time, and from time to time hereafter, of any right or rights heretofore acquired, exercised or enjoyed by any corporation heretofore duly incorporated and organized or deriving powers and rights under the laws of this state. This act shall not affect or impair the exercise or enjoyment of any right or rights now possessed or heretofore acquired or heretofore authorized to be acquired, exercised or enjoyed by any street surface railroad corporation, except as herein otherwise expressly provided, and this act shall not be construed to repeal or in any manner affect chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same," or either of the several acts amendatory thereof or supplementary thereto. This act shall not be construed to repeal or in any manner affect chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, known as the railroad law, except hereinabove expressly provided, or except so far as the provisions of the same conflict with the provisions of this act. (*The number of this section was changed by chap. 752, Laws 1894.*)

§ 65. No surface roads under act. — No railroad shall be constructed or operated upon the surface of any street, avenue or highway

in the city of New York under the provisions or authority of this act. (*The number of this section was changed by chap. 752, Laws 1894.*)

§ 66. Repeal.—All acts or parts of acts local or general inconsistent with this act are hereby repealed. (*The number of this section was changed by chap. 752, Laws 1894.*)

§ 67. This act shall take effect immediately. (*The number of this section was changed by chap. 752, Laws 1894.*)

§ 10. Whenever it is expressly provided in the act hereby amended that any act of the board of rapid transit railroad commissioners shall be done by the concurrent vote of four of the members of said board, the act hereby amended is further amended so as to provide in such cases that such vote shall be that of six of such members. (*Thus amended by chap. 752, Laws 1894.*)

§ 11. The commissioners of rapid transit heretofore appointed under the act hereby amended, or who became such commissioners by its terms, upon the organization of the board which shall succeed them pursuant to said act as hereby amended, shall cease to be such commissioners and shall transfer and deliver to the board of rapid transit railroad commissioners, provided for by the act hereby amended, as so amended, all furniture, books, maps, records, plans and other papers and property of what kind soever appertaining or belonging to or in the custody of the board of which they were commissioners, or in their possession, or under their control as such commissioners, or held by them, or for which they are responsible in their official capacity. The expenses incurred by said commissioners for which an appropriation or appropriations shall have been made pursuant to section ten of the act hereby amended, shall be paid upon vouchers to be furnished by said commissioners and otherwise, as provided in said section. Said commissioners shall also be entitled to receive a reasonable compensation for the services which have been rendered by them, which may have been, or which shall be, determined on their application in the manner provided for in said section. The comptroller, or other chief financial officer of said city, is hereby authorized and directed to issue and sell revenue bonds of such city in anticipation of the receipt of taxes, and out of the proceeds of such bonds to pay said compensation so ascertained and determined, and the amount necessary to pay the principal and interest of said bonds shall be included in the tax levy of said city for the year next following the issue and sale of the same. (*Thus amended by chapter 752, Laws 1894.*)

§ 12. The said board of rapid transit railway commissioners shall cause the question, whether such railway or railways shall be constructed

by the city and at the public expense, to be submitted to the vote of the qualified electors of the city within which such railway or railways is or are to be constructed, and to that end it shall be the duty of the said board, after completion of the detailed plans and specifications, as required by the act hereby amended, at least thirty days prior to the next general election, to file with the public officer or officers within the county in which such city is located, who may be charged with the duty of printing the ballots to be used at such election, a request that separate ballots be printed and supplied to such electors, one-half in number of which shall read: "For municipal construction of rapid transit road," and the other half in number of said ballots shall read, "Against municipal construction of rapid transit road." Upon such request being so filed, such ballots shall be printed and supplied to such electors at such general election, and separate ballot boxes shall be provided for the reception of the same in each election district within such city, and the provisions of chapter six hundred and eighty of the laws of eighteen hundred and ninety-two, entitled "An act in relation to the elections constituting chapter six of the general laws," and any act or acts amendatory thereof or supplemental thereto shall apply thereto as far as the nature of the case may allow. No ballot which may be provided under this section shall be deemed invalid by reason of an error in dimensions, style of printing, or other formal defect, or through having been deposited in the wrong ballot box, but all of such ballots shall be canvassed and returned as if such formal defect had not existed, or as if they had been deposited in the box provided for the purpose. Upon the canvass of such votes by the board of county canvassers of the county in which such city is located, it shall be the duty of said board to file with the county clerk of said county a statement which shall declare the total number of votes cast in said city "for municipal construction of rapid transit road," and the total number so cast therein "against municipal construction of rapid transit road." And the said railway or railways shall be constructed by the said city and at the public expense, if it shall be found from such statements so filed that there is a majority of the votes so cast in favor of such municipal construction. (*Thus amended by chap. 752, Laws 1894.*)

§ 13. In case the majority of votes cast at such election shall be in favor of such municipal construction of said railway or railways, it shall be the duty of said board of rapid transit railway commissioners within thirty days after the official declaration of the said vote to proceed to construct the said railway or railways, and to make and let all

contracts required for the performance of the work necessary to be done and performed in and about the construction thereof. All such contracts must, before execution, be approved as to form by the counsel to the corporation, or other chief legal adviser for said city. (*Thus amended by chap. 752, Laws 1894.*)

§ 14. This act shall take effect immediately; except that the building of said road, or the sale of the franchises as provided for in sections seven and thirty-four of the act hereby amended, as so amended, is postponed until, and made dependent upon, the determination of that question by the vote of the people as called for by sections twelve and thirteen of this act. (*Thus amended by chap. 752, Laws 1894.*)

CHAP. 102, LAWS OF 1892.

AN ACT to amend chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities having over one million inhabitants."

§ 38. The board of directors of any company incorporated for the purpose of constructing, maintaining or operating a bridge or bridges connecting a city of more than one million inhabitants with any other city in this state, and by the act of incorporation of which authority shall have been conferred or intended to be conferred, to construct, maintain or operate, as a part of or in connection with its bridge, an approach or approaches thereto extending generally in an easterly and westerly direction, may determine in lieu of constructing such approach or approaches, to build, maintain and operate an elevated railway, the route of which shall be coincident with the route of such approach or approaches as defined in said act, and shall adopt a general plan for the construction thereof, and which shall show the general mode of operation, and contain such details as to manner of construction as may be necessary to show the extent to which any street, avenue, or other public place is to be encroached upon and the property abutting thereon affected, a copy of which plan shall be transmitted to the common council of the city in which the same is to be located. Such proceedings shall thereupon be had by such common council as are provided by section five of this act, as though such plans had been transmitted by the rapid transit commissioners as contemplated in said section. Provided, that where, in any such city the exclusive control of any street, route, highway or avenue, which is to be occupied by any railway or railways constructed under the provisions of this section is by law vested in any local authority other than the common council of

such city, the approval of the aforesaid plans, and consent to the construction of a railway thereunder shall be given by such local authority in place of, and if required in addition to such approval and consent by such common council, and with like effect. Upon obtaining the approval and consent of the local authorities as in said section provided, the said board of directors shall take the necessary steps to obtain, if possible, the consent of the property owners along the line of the said route or routes, and all proceedings in respect of such consents or when such consents can not be obtained shall be similar in all respects to the proceedings in said section provided. Any consent of the local authorities to construct or operate such railway shall be given only upon the condition that the rate of fare upon such elevated railway shall not exceed five cents for each passenger, and that payment of such fare shall entitle each passenger to and from such elevated railroad to free transit across the bridge or bridges with which it is intended to connect the same. When the consents of the local authorities and the property owners, or in lieu thereof, the authorization of the supreme court upon the report of the commissioners shall have been obtained, and the said company shall have accepted such condition it shall have all the powers of corporations formed under this act, it shall be authorized to build, construct, maintain and operate such elevated railway or railways, but all provisions of this act, or of any act requiring the sale of the right, privilege and franchise of constructing, maintaining and operating such railway or railways, or requiring a corporation or corporations to be organized for the purpose of acquiring such right, privilege and franchise, and all other provisions of this act or of any act inconsistent with this section, are hereby declared inapplicable to such elevated railway and to such company. The entire route of any elevated railway constructed under the provisions of this section shall not exceed three miles in length, nor shall any part of said railway, except at the termini thereof be less than sixteen feet above any street, avenue or public place, or less than fourteen feet above any existing elevated railway, which may be crossed, intervened or intersected thereby. The said railway may be located and constructed so as to cross any intersecting street, avenue, highway or place otherwise exempted, except that no public park shall be occupied or crossed thereby, the structure of such elevated railway shall be liable to taxation as provided by law for similar structures.

INTERSTATE COMMERCE ACT.

APPROVED FEBRUARY 4, 1887, AS AMENDED.

Carriers and transportation subject to the act.—*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however,* That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

What the terms "railroad" and "transportation" include.—The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

Charges to be reasonable.—All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, deliver-

ing, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

§ 2. Unjust discrimination forbidden.—That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

§ 3. Undue or unreasonable preference or advantage forbidden.—That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Facilities for interchange of traffic.—Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

§ 4. Long and short haul provision.—That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being

included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, that upon application to the commission appointed under the provisions of this act, such common carriers may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

§ 5. Pooling of freights and division of earnings forbidden.—That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

§ 6. Printing and posting of schedules of rates, fares and charges.—That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect or determine any part or the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places, in every depot, station, or office of such carrier where passengers or freight, respectively, are received, for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. (*Thus amended March 2, 1892.*)

Printing and posting of schedules of rates on freight carried through a foreign country.—Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in

like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

Ten days' public notice of advance in rates to be given ; three days' public notice of reduction in rates to be given.—No advance shall be made in the rates, fares and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Reductions in such published rates, fares, or charges shall only be made after three days' previous notice, to be given in the same manner that notice of an advance in rates must be given.

Published rates not to be deviated from.—And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares and charges as may at the time be in force.

Copies of schedules of rates, fares and charges to be filed with Commission ; copies of contracts and agreements to be filed with Commission ; joint tariffs to be filed with Commission ; power of Commission to prescribe publicity.—Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedules of rates, fares and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same. Every such common carrier shall also file with said commission

copies of all contracts, agreements or arrangements, with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said commission, in so far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published.

Ten days' notice to Commission of advance in joint rates, fares and charges; three days' notice to Commission of reduction in joint rates, fares and charges; power of Commission to make advances or reductions public.—No advance shall be made in joint rates, fares and charges, shown upon joint tariffs, except after ten days' notice to the commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares or charges will go into effect. No reduction shall be made in joint rates, fares and charges, except after three days' notice, to be given to the commission as is above provided in the case of an advance of joint rates. The commission may make public such proposed advances, or such reductions, in such manner as may, in its judgment, be deemed practicable, and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

Joint rates, fares and charges not to be deviated from.—It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect or receive from any person or persons, a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare or charge is named thereon than is specified in the schedule filed with the commission in force at the time.

Commission may prescribe forms of schedules of rates, fares and charges.—The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public

inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

Penalties for neglecting or refusing to file or publish rates, fares and charges.— If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated, or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States at the relation of the commissioners appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several states and territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several states and territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

§ 7. Continuous carriage of freights not to be unnecessarily interrupted.— That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

§ 8. Liability of common carriers for damages.—That in case any common carrier subject to the provisions of this act shall do, cause to be done, or permit to be done any act, matter or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

§ 9. Persons claiming to be damaged may complain to Commission or bring suit in United States courts; officers, etc., of defendant may be compelled to testify.—That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee or agent of the corporation or company defendant in such suit to attend, appear and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

§ 10. Penalties for violations of act by carriers, their officers or agents; fine and imprisonment.—That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by such corporation, who, alone or with any other corporation, company, person or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit

or fail to do any act, matter or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed five thousand dollars for each offense: *Provided*, that if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges, for the transportation of passengers or property, such person shall, in addition to the fine heretofore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Penalties for false billing, etc., by carriers, their officers or agents; fine and imprisonment.—Any common carrier subject to the provisions of this act or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who by means of false billing, false classification, false weighing, or false report of weight, or by any other devise or means, shall knowingly and willfully assist, or shall willingly suffer or permit any person or person to obtain transportation for property at less than the regular rates than established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

Penalties for false billing, etc., by shippers and other persons; fine and imprisonment.—Any person and any officer or agent of any corporation or company who shall deliver property for transportation to any common carrier, subject to the provisions of this act, or for whom as consignor or consignee any such carrier shall transport property, who shall knowingly and willfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other devise or means, whether with or without the consent or connivance of the carrier, its agent or agents, obtain transportation for such property at less than the regular rates then

established and in force on the line of transportation, shall be deemed guilty of fraud, which is hereby declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject for each offense to a fine of not exceeding five thousand dollars or imprisonment in the penitentiary for a term of not exceeding two years, or both, in the discretion of the court.

Penalties for inducing common carriers to discriminate unjustly; fine and imprisonment; joint liability with carrier for damages.—

If any such person, or any officer or agent of any such corporation or company, shall, by payment of money or other thing of value, solicitation, or otherwise induce any common carrier subject to the provision of this act, or any of its officers or agents, to discriminate unjustly in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person or such officer or agent of such corporation or company shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding five thousand dollars or imprisonment in the penitentiary for a term of not exceeding two years or both, in the discretion of the court, for each offense; and such person, corporation, or company shall also, together with said common carrier, be liable jointly or severally, in an action on the case to be brought by any consignor or consignee, discriminated against in any court of the United States of competent jurisdiction for all damages caused by or resulting therefrom. (*Thus amended March 2, 1889.*)

§ 11. Interstate Commerce Commissioners — how appointed; terms of Commissioners.—That a commission is hereby created and established to be known as the Interstate Commerce Commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office for the term of two, three, four, five and six years, respectively, from the first day of January, anno Domini eighteen hundred and eighty-seven, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired time of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty or

malfeasance in office. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or owning stocks or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

§ 12. Power of Commission to inquire into business of carriers; Commission required to enforce the provisions of the act; power of the Commission to require attendance of witnesses and production of books and papers.—That the commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created; and the commission is hereby authorized and required to execute and enforce the provisions of this act; and, upon the request of the commission, it shall be the duty of any district attorney of the United States to whom the commission may apply to institute in the proper court and to prosecute under the direction of the Attorney-General of the United States, all necessary proceedings for the enforcement of the provisions of this act and for the punishment of all violations thereof; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States; and for the purposes of this act the commission shall have power to require, by subpoena, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation. Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena, the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section.

Punishment for refusal to testify or produce books and papers.—And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any common carrier subject to the

provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person the trial of any criminal proceeding. (*Thus amended February 10, 1891.*)

Commission may order testimony to be taken by deposition.—The testimony of any witness may be taken, at the instance of a party in any proceeding or investigation depending before the commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any commissioner of a circuit, or any clerk of a district or circuit court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an

officer or person designated by the commission, or agreed upon by the parties by stipulation in writing to be filed with the commission. All depositions must be promptly filed with the commission.

Witnesses whose depositions are taken pursuant to this act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States. (*This section was added by amendment February 10, 1891.*)

§ 13. Complaints to Commission; how and by whom made; reparation by carriers before investigation; investigations by the Commission.—That any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

Said commission shall in like manner investigate any complaint forwarded by the railroad commissioner or railroad commission of any state or territory at the request of such commissioner or commission, and may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

§ 14. Findings of Commission prima facie evidence in judicial proceedings.—That whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the commission are based, together with

its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured, and such findings so made shall thereafter, in all judicial proceedings, be deemed prima facie evidence as to each and every fact found.

All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carriers that may have been complained of. (*Thus amended March 2, 1889.*)

Reports and decisions; authorized publication to be competent evidence; publication and distribution of annual reports of Commission.—The commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the commission therein contained, in all courts of the United States, and of the several States, without any further proof or authentication thereof. The commission may also cause to be printed for early distribution its annual reports.

§ 15. Notice to common carriers to cease from violation of act; compliance with notice to cease from violation of act; reparation.—That if in any case in which an investigation shall be made by said commission it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, or of any law cognizable by said commission, by any common carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified, it shall be made to appear to the commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

§ 16. **Petition to United States courts in cases of disobedience to order of commission ; power of United States courts to hear and determine cases of disobedience ; writs of injunction or other process against carriers in cases of disobedience ; punishment for refusal to obey writs of injunction or other proper process ; fine ; appeals to Supreme Court of United States.**— That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate, or refuse or neglect to obey or perform any lawful order or requirement of the commission created by this act, not founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, it shall be lawful for the commission or for any company or person interested in such order or requirement, to apply in a summary way, by petition, to the Circuit Court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants in such manner as the court shall direct; and said court shall proceed to hear and determine the matter as speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the findings of fact in the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more

of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction, or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money, not exceeding for each carrier or person in default the sum of five hundred dollars for every day, after a day to be named in the order, that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining or into court, to abide the ultimate decision of the court, or into the treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court. When the subject in dispute shall be of the value of two thousand dollars or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the attorney-general of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Petition to United States courts in cases of disobedience when trial by jury is necessary ; trial by jury ; trial by court ; appeals to supreme court of United States ; counsel or attorney's fees.—If the matters involved in any such order or requirement of said commission are founded upon a controversy requiring a trial by jury, as provided by the seventh amendment to the Constitution of the United States, and any such common carrier shall violate or refuse or neglect to obey or perform the same, after notice given by said commission as provided in the fifteenth section of this act, it shall be lawful for any company or person interested in such order or requirement to apply in a summary way by petition to the circuit court of the United States sitting as a court of law in the judicial district in which the carrier complained of has its principal office, or in which the violation or disobedience of such

order or requirement shall happen, alleging such violation or disobedience as the case may be; and said court shall by its order then fix a time and place for the trial of said cause, which shall not be less than twenty nor more than forty days from the time said order is made, and it shall be the duty of the marshal of the district in which said proceeding is pending to forthwith serve a copy of said petition, and of said order, upon each of the defendants, and it shall be the duty of the defendants to file their answers to said petition within ten days after the service of the same upon them as aforesaid. At the trial the findings of fact of said commission as set forth in its report shall be prima facie evidence of the matters therein stated, and if either party shall demand a jury or shall omit to waive a jury, the court shall, by its order, direct the marshal forthwith to summon a jury to try the cause; but if all the parties shall waive a jury in writing, then the court shall try the issues in said cause and render its judgment thereon. If the subject in dispute shall be of the value of two thousand dollars or more either party may appeal to the supreme court of the United States under the same regulations now provided by law in respect to security for such appeal; but such appeal must be taken within twenty days from the day of the rendition of the judgment of said Circuit Court. If the judgment of the Circuit Court shall be in favor of the party complaining, he or they shall be entitled to recover a reasonable counsel or attorney's fee to be fixed by the court, which shall be collected as part of the costs in the case. For the purposes of this act, excepting its penal provisions, the Circuit Courts of the United States shall be deemed to be always in session. (*Thus amended March 2, 1889.*)

§ 17. Interstate Commerce Commission — form of procedure; official seal.—That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an

official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations and sign subpoenas. (*Thus amended March 2, 1889.*)

§ 18. **Salaries of Commissioners; secretary — how appointed; salary; offices and supplies; witness fees.**—That each commissioner shall receive an annual salary of seven thousand five hundred dollars, payable in the same manner as the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of three thousand five hundred dollars, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employes as it may find necessary to the proper performance of its duties. Until otherwise provided by law the commission may hire suitable offices for its use, and shall have authority to procure all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Expenses of the Commission — how paid.—All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employes under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the commission. (*Thus amended March 2, 1889.*)

§ 19. **Principal office of the Commission — sessions of the Commission.**—That the principal office of the commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

§ 20. **Carriers subject to the act must render full annual reports to Commission; Commission may prescribe methods of keeping accounts.**—That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and

to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises and equipments; the number of employes and the salaries paid each class, the amounts expended for improvements each year, how expended and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet. Such report shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements or contracts with other common carriers, as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

§ 21. Annual reports of the Commission to Congress.—That the commission shall, on or before the first day of December in each year, make a report, which shall be transmitted to congress, and copies of which shall be distributed as are the other reports transmitted to congress. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary; and the names and compensation of the persons employed by said commission. (*Thus amended March 2, 1889.*)

§ 22. Persons and property that may be carried free or at reduced rates; mileage, excursion, or commutation passenger tickets; passes and free transportation to officers and employes of railroad companies; pending litigation not affected by act.—That nothing in this act shall prevent the carriage, storage or handling of property free or at reduced rates for the United States, state or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat. or the free carriage of desti-

tute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangement with the boards of managers of said homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employes, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employes; and nothing in this act contained shall in any way abridge or alter the remedies now existing by common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act. (*Thus amended March 2, 1889.*)

Jurisdiction of United States courts to issue writs of peremptory mandamus commanding the movement of interstate traffic or the furnishing of cars or other transportation facilities.—(*New section.*) That the circuit and district courts of the United States shall have jurisdiction upon the relation of any person or persons, firm, or corporation, alleging such violation by a common carrier, of any of the provisions of the act to which this is a supplement and all acts amendatory thereof, as prevents the relator from having interstate traffic moved by said common carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said common carrier for like traffic under similar conditions to any other shipper, to issue a writ or writs of mandamus against said common carrier, commanding such common carrier to move and transport the traffic, or to furnish cars or other facilities for transportation for the party applying for the writ: *Provided*, that if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact: *Provided*, that the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by this act or the act to which it is a supplement. (*Added March 2, 1889.*)

AN ACT to promote the safety of employes and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes.

Approved, March 2, 1893.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any common carrier engaged in interstate commerce by railroad to use on its line any locomotive engine in moving interstate traffic not equipped with a power driving-wheel brake and appliances for operating the train-brake system, or to run any train in such traffic after said date that has not a sufficient number of cars in it so equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed without requiring brakemen to use the common hand brake for that purpose.

§ 2. That on and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its line any car used in moving interstate traffic not equipped with couplers coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars.

§ 3. That when any person, firm, company, or corporation engaged in interstate commerce by railroad shall have equipped a sufficient number of its cars so as to comply with the provisions of section one of this act, it may lawfully refuse to receive from connecting lines of road or shippers any cars not equipped sufficiently, in accordance with the first section of this act, with such power or train brakes as will work and readily interchange with the brakes in use on its own cars, as required by this act.

§ 4. That from and after the first day of July, eighteen hundred and ninety-five, until otherwise ordered by the Interstate Commerce Commission, it shall be unlawful for any railroad company to use any car in interstate commerce that is not provided with secure grab irons or hand-holds in the ends and sides of each car for greater security to men in coupling and uncoupling cars.

§ 5. That within ninety days from the passage of this act the American Railway Association is authorized hereby to designate to the Interstate Commerce Commission the standard height of drawbars for freight cars, measured perpendicular from the level of the tops of the rails

to the centers of the drawbars, for each of the several gauges of railroad in use in the United States, and shall fix a maximum variation from such standard height to be allowed between the drawbars of empty and loaded cars. Upon their determination being certified to the Interstate Commerce Commission, said commission shall at once give notice of the standard fixed upon to all common carriers, owners, or lessees engaged in interstate commerce in the United States by such means as the commission may deem proper. But should said association fail to determine a standard as above provided, it shall be the duty of the Interstate Commerce Commission to do so, before July first, eighteen hundred and ninety-four, and immediately to give notice thereof as aforesaid. And after July first, eighteen hundred and ninety-five, no cars either loaded or unloaded, shall be used in interstate traffic which do not comply with the standard above provided for.

§ 6. Penalty for violation of the provisions of this act.—

That any such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed, and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred. And it shall be duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge: Provided. That nothing in this act contained shall apply to trains composed of four-wheel cars or to locomotives used in hauling such trains.

§ 7. Power of Interstate Commerce Commission to extend time of carriers to comply with this act.—That the Interstate Commerce Commission may from time to time upon full hearing and for good cause extend the period within which any common carrier shall comply with the provisions of this act.

§ 8. Employes not deemed to assume risk of employment.—That any employe of any such common carrier who may be injured by any locomotive, car or train in use contrary to the provision of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, car or train had been brought to his knowledge.



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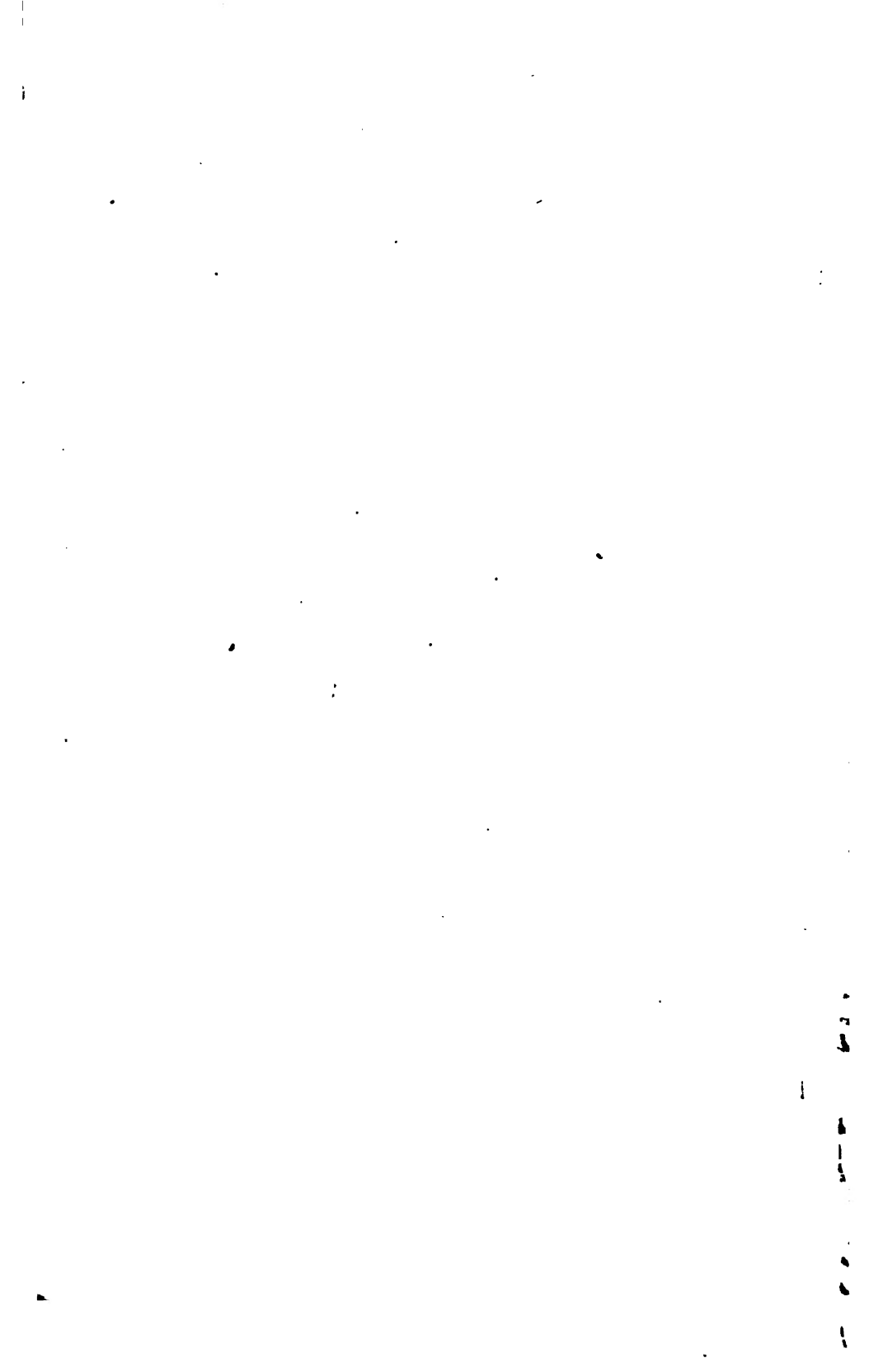


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